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1980
**STATE
CONSTRUCTION
PERMITS
HANDBOOK**



EDWARD J. KING
GOVERNOR

GOVERNMENT DOCUMENTS
COLLECTION

MAY 24 1983

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THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
GOVERNOR'S DEVELOPMENT OFFICE
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PERMIT
HANDBOOK

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THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133

EDWARD J. KING
GOVERNOR

December 1979

In May 1979, I established a Commission to Simplify Rules and Regulations with the charge to study and make recommendations concerning the reform of regulatory processes which control economic development in the Commonwealth. As the first phase of its work, the Commission, utilizing the staff of the Governor's Development Office, surveyed the State's role in the regulatory process. This survey has produced the 1980 State Regulatory Permits Inventory which lists virtually all of the construction and operating permits that are required by state agencies for economic development projects.

This document represents a first for the Commonwealth in that never before have the economic development permits required by all state agencies been compiled in one unified publication available to all its citizens.

A companion report, the 1980 State Construction Permits Handbook, also issued by the Commission to Simplify Rules and Regulations, lists the state construction permits and details the process of obtaining each.

By using both reports, the full list of state operating and construction requirements can be known at the earliest possible time, thus saving business and industry time and money during the development process.

I believe that the widespread distribution and use of these reports will be a positive first step to aid business, industry, and the development community in their efforts to revitalize the State's economy.

Sincerely
Edward J. King
Edward J. King

Members of the Governor's Commission to Simplify Rules and Regulations

Edwin N. Sidman, Vice President
The Beacon Companies

Joseph Fitzpatrick, Secretary
Executive Office of Energy Resources

William S. Edgerly, President
State Street Bank and Trust Co.

George S. Kariotis, Secretary
Executive Office of Economic Affairs

Thomas J. Flatley, President
The Flatley Company

John A. Bewick, Secretary
Executive Office of Environmental
Affairs

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John Hancock Mutual Life Insurance Co.

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Executive Office for Administration
and Finance

Edward A. Schwartz, Vice President
Digital Equipment Corp.

Barry Locke, Secretary
Executive Office of Transportation
and Construction

Richard Syron
Federal Reserve Bank

Byron J. Matthews, Secretary
Executive Office of Communities
and Development

Paul Guzzi, Chief Secretary
to the Governor

Michael T. Daley; Director
Governor's Development Office

This report was prepared at the request of the Governor's Commission to Simplify Rules and Regulations as part of a continuing effort to coordinate state permit processes and to clarify and expedite the state's role in the private development process.



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DIRECTOR

1980 STATE CONSTRUCTION PERMITS HANDBOOK

Introduction

The Construction Permits Handbook is a compilation of permits, certification, and approvals required by state regulatory programs for new construction or substantial expansion. It is intended to provide assistance for the day-to-day general construction activity which occupies most of the time of the regulatory agencies. It purposely ignores highly specialized and infrequently proposed projects such as power generating stations, airports, and the like. The Handbook lists each permit by the Executive Office, Department, and agency that is involved in the administration of the permit program in question; references are provided to commonly associated permits that may apply.

Due to the specificity of quantitative thresholds for permits on environmentally sensitive sites, this Handbook is not a substitute for applicant agency contact. Rather it should be used in conjunction with the 1980 Permit Inventory as a comprehensive guide to determining which state permits apply to which economic development projects and how to obtain those permits. Consequently, applicants are urged to contact the permit issuing agency for detailed, site-specific information.

For each listing, the following information is provided:

- statute, Massachusetts General Law (MGL), and Code of Massachusetts Regulation (CMR) listing
- purpose of permit
- applicability
- Massachusetts Environmental Policy Act (MEPA) applicability
- prerequisites
- life of permit
- fees

- Permit Issuing Agency contact person

Governor's Development Office

The Governor's Development Office is charged with expediting the processing of construction permit applications. On request, the Governor's Development Office will designate a permit expeditor for a project who will advise the applicant of state permits necessary for the construction of a project and coordinate contracts with relevant agencies.

For further information, contact:

The Governor's Development Office
On Ashburton Place, Room 2101
Boston, MA 02108
Telephone: (617) 727-4154

This publication does not address the permits and approvals of quasi state agencies such as Massport, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, and the like. When applicants are developing on or near the property of these agencies, the developer should contact the agency.



THE COMMONWEALTH OF MASSACHUSETTS

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GOVERNOR'S DEVELOPMENT OFFICE

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PERMIT ASSISTANCE FROM THE GOVERNOR'S DEVELOPMENT OFFICE

Within the Governor's Development Office, a small staff has been established to assist applicants in obtaining permits for economic development projects. The following services are available:

- Consultation and Permit Information: In addition to advice on current permit procedures, the staff will also provide information on state financing and incentive programs, and development opportunities and sites available throughout the State.

The staff will also be available for consultations with the applicant, prior to filing an application and throughout the permit process.
- Permit Identification: The Permit Identification procedure is a key feature of the overall permit coordination process. The procedure entails the project proponent completing a Permit Identification Form which will be distributed to all state permit issuing agencies. Those agencies will then review the Permit Identification Form and provide the applicant with a definitive list of all the state permits and necessary supporting information required for the proposed project and site. This procedure will be coordinated by the Governor's Development Office, working with the permit expeditor in each Executive Office within state government.

THIS PROCEDURE IS DESIGNED TO SERVE ECONOMIC DEVELOPMENT PROJECTS REQUIRING MULTIPLE PERMITS FROM MORE THAN ONE STATE AGENCY. PROJECTS REQUIRING A SINGLE STATE PERMIT WOULD BE BETTER SERVED THROUGH TRADITIONAL CHANNELS.

The Permit Identification procedure is at the applicant's option and is provided free of charge. State agencies retain their jurisdiction over permit decisions.

- Permit Monitoring: The progress of all permits flowing through this channel will be individually monitored by the Governor's Development Office to ensure that clearly de-

fined permit issuance schedules are maintained. Early identification of problem areas, pre- and post-application conferences, and conflict resolution through the Economic Development Cabinet are some of the other expediting mechanisms.

Acknowledgements

Michael T. Daley, Director
Governor's Development Office

Primary Contributors to this Project were:

Kevin Cronin
Jean Curtis
Frederick Fallon
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Alfred McNiff
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Table of Contents

Letter from Governor Edward J. King	i
Governor's Commission to Simplify Rules and Regulations	
List of Members	ii
Introduction	iii
Description of Services Offered by the Governor's Development Office	v
Table of Contents	vii
Executive Office of Communities and Development	
Housing Appeals Committee	1
State Building Code Appeals Board	2
Executive Office of Environmental Affairs	
Massachusetts Environmental Protection Act (MEPA)	3
North River Commission	4
Map of North River Commission Area	5
Coastal Zone Management (CZM)	6
List of Towns Included in CZM	7
Department of Environmental Quality Engineering (DEQE)	
Addresses and Phone Numbers of DEQE Regional Offices	8
Map of DEQE Regional Offices	9
Division of Air and Hazardous Materials	
Fuel Additive Approval	10
New Sources of Air Contaminants	11
Open Burning Permit	13
Division of Hazardous Waste	
Hazardous Waste License	15
Division of Land and Water Use (Waterways)	
Approval of Floats and Rafts	16
Chapter 91 - Waterways License	17
Construction and Maintenance of Dams	19
Dredging and Disposal of Dredged Material Permit	21
Mineral Extraction from Land Under Coastal Waters	22

Division of Waste Disposal	
Approval of a Waste Disposal Facility	23
Division of Water Pollution Control	
Discharge to Ground	25
Industrial Waste Treatment Facilities	26
Marine Oil Treatment License	27
National Pollution Discharge Elimination System (NPDES)	28
Sewer Extension and/or Connections	30
Subsurface Sewage Disposal Facilities	32
Water Quality Certification	33
Division of Water Supply	
Cross-Connection Permit	34
Public Water System Permit	35
Outdoor Advertising Board	
Outdoor Advertising Sign	37
Wetlands Program	
Order of Conditions	39
Superseding Order, Request for	41
Superseding Order, Extension	42
Superseding Order, Certificate of Compliance with	43
Metropolitan District Commission	44
Map of MDC - By Service	45
Easements Permit	46
Industrial User Discharge Permit	47
Maintenance Permits of Existing Utilities	48
Municipal Service Connection	49
Municipal Services: Water	50
Overweight or Oversize Loads	51
Roadway/Sidewalk; Construction and Occupation	52
Special Connection	53
Surface Water Drainage Disposal or Discharge	54
Utility Installation Permits	55
Executive Office of Human Services	
Department of Public Health	
Health Facility	56
Standards of Construction for Long-Term Care Facilities	57

Executive Office	
Architectural Barriers Board	58
Executive Office of Transportation and Construction	
Abandoned Railroad Rights-of Way	59
Department of Public Works	
Map of Maintenance Districts	60
Approaches - New Streets	61
Bridges (Installation on State Highways)	62
Brush Cutting	63
Driveways (Curb Cut)	64
Pole Lines and Wire Crossings	68
Sidewalks	70
Storm Drainage	71
Tree Removal	72
Transportation Permits (Oversized Weight Dimensions for Vehicles)	73
Underground Utility Installation	74
Appendix A (Department of Public Works)	
Application for DPW Permit	75
Standard Drives, Sketch A	76
Standard Drives, Sketch D	77
Sketches C and E	78
Sketch F	79

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT

Department: Executive Office of Communities and Development
Division: Housing Appeals Committee
Project Type: Low and Moderate Income Housing
Statute Number: CMR 760:30, MGL Chapter 40B, Section 20
Purpose: The Massachusetts Constitution gives to the General Court the power to limit buildings according to their use or construction to specified districts of cities and towns. The General Court has chosen to delegate this authority almost entirely to the cities and towns instead of exercising it more directly through a state agency.

Because the problems of finding suitable sites for such housing reasonably distributed throughout the state was determined to be acute, the General Court in Chapter 774 of the Acts of 1969 amended Chapter 40B MGL to provide for a limited change in the construction of low and moderate income housing in cities and towns.

When a board of appeals denies an application for a comprehensive permit under this Act or imposes conditions on the permit which would make the development uneconomic, then eligible applicants for permits to construct such housing may appeal to a Housing Appeals Committee at the Executive Office of Communities and Development. Said Committee is authorized to sustain or reverse the action of the local board of appeals and may issue a permit subject to conditions appropriate to the purpose of the Act.

All petitions for review of the actions of a local board are to be heard by the Housing Appeals Committee in accordance with rules and regulations established by the Commissioner of the Department of Community Affairs as required by the Act.

Contact: Executive Office of Communities and Development
Leverett Saltonstall Building
100 Cambridge Street, 14th floor
Boston, MA 02022
John Carney 727-6192

Department: Executive Office of Communities and Development

Division: State Building Code Appeals Board

Project Type: Building Construction, Appeals Process

Statute Number: CMR 780:126, MGL Chapter 802, Acts of 1972

Purpose: Whoever is aggrieved by an interpretation, order, requirement, direction or failure to act under the Basic Code (Massachusetts State Building Code) by any agency or official of the city, town or region, or agency or official of the State charged with the administration or enforcement of the Basic Code or any of its rules or regulations, excepting any specialized codes, may appeal directly to the State Building Code Appeals Board as provided in Section 126.

In the event an appeal is taken directly to the State Building Code Appeals Board from an interpretation, order, requirement or direction, said appeal shall be filed as specified in Section 126.31, with the State Building Code Appeals Board no later than forty-five (45) days after the service of notice thereof of the interpretation, order, requirement or direction.

In the event the appeal is taken directly to the State Building Code Appeals Board for the failure to act, the appeal shall be taken no later than forty-five (45) days after a request to act has been made by the aggrieved person in writing and served to the appropriate building official or chief administrative officer of the state or local agency which fails to act.

If the aggrieved person elects to appeal before the local or regional board, he shall not be allowed to enter such appeal with the State Building Code Appeals Board until such time as the said local or regional board renders a decision, unless the reason for appeal to the State Building Code Appeals Board is the failure of the local or regional board to act.

Contact: Executive Office of Communities and Development
Leverett Saltonstall Building
100 Cambridge Street, 14th Floor
Boston, MA 02022
Charles Dinezio (617) 727-6916

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

Department: Executive Office of Environmental Affairs
Title: Massachusetts Environmental Protection Act
Statute Number: CMR 301:10 et seq., MGL Chapter 30, Sections 61, 62-62H
Purpose: The Massachusetts Environmental Protection Act (MEPA) program is an interdisciplinary program which examines environmental impacts of state actions (including permitting, approvals, and funding).

Generally an individual seeking a state permit, approval, or funding may be subject to the MEPA process. However, many state permits, approvals, and funding requests are exempt from MEPA either by their nature or because they do not exceed certain quantitative thresholds. The full list of thresholds and exemptions appears in the MEPA regulations. Projects which are reviewed must circulate and file an Environmental Notification Form (ENF). A 20-day comment period ensues from publication of the ENF in the MEPA Monitor (appears bi-weekly). The proposal and site plans are reviewed, and within a total of 30 days from publication, a decision will be made on whether an environmental impact report (EIR) is required. Currently, 8 percent of ENF's lead to an EIR. If no EIR is required, the review process ends and state agencies are free to issue permits, approve funds, etc.

If an EIR is required, a "scope" will be issued, identifying issues which the EIR must address. Draft and Final EIR's each go through 37-day review and comment periods. Certain projects, above specified size thresholds (CMR 301:10.32(5)), automatically require an EIR, if they require any state permits whatsoever.

The MEPA process is characterized by a small staff, and tight deadlines which are met. Early filings are encouraged.

Contact:
Executive Office of Environmental Affairs
Leverett Saltonstall Building
100 Cambridge Street, 20th Floor
Boston, MA 02022
(617) 727-5830
Samuel Mygatt

Department: Executive Office of Environmental Affairs

Division: North River Commission

Project Type: Any use of land.

Statute Number: MGL Chapter 21, Section 17B, Acts of 1978, Chapter 367, Section 62

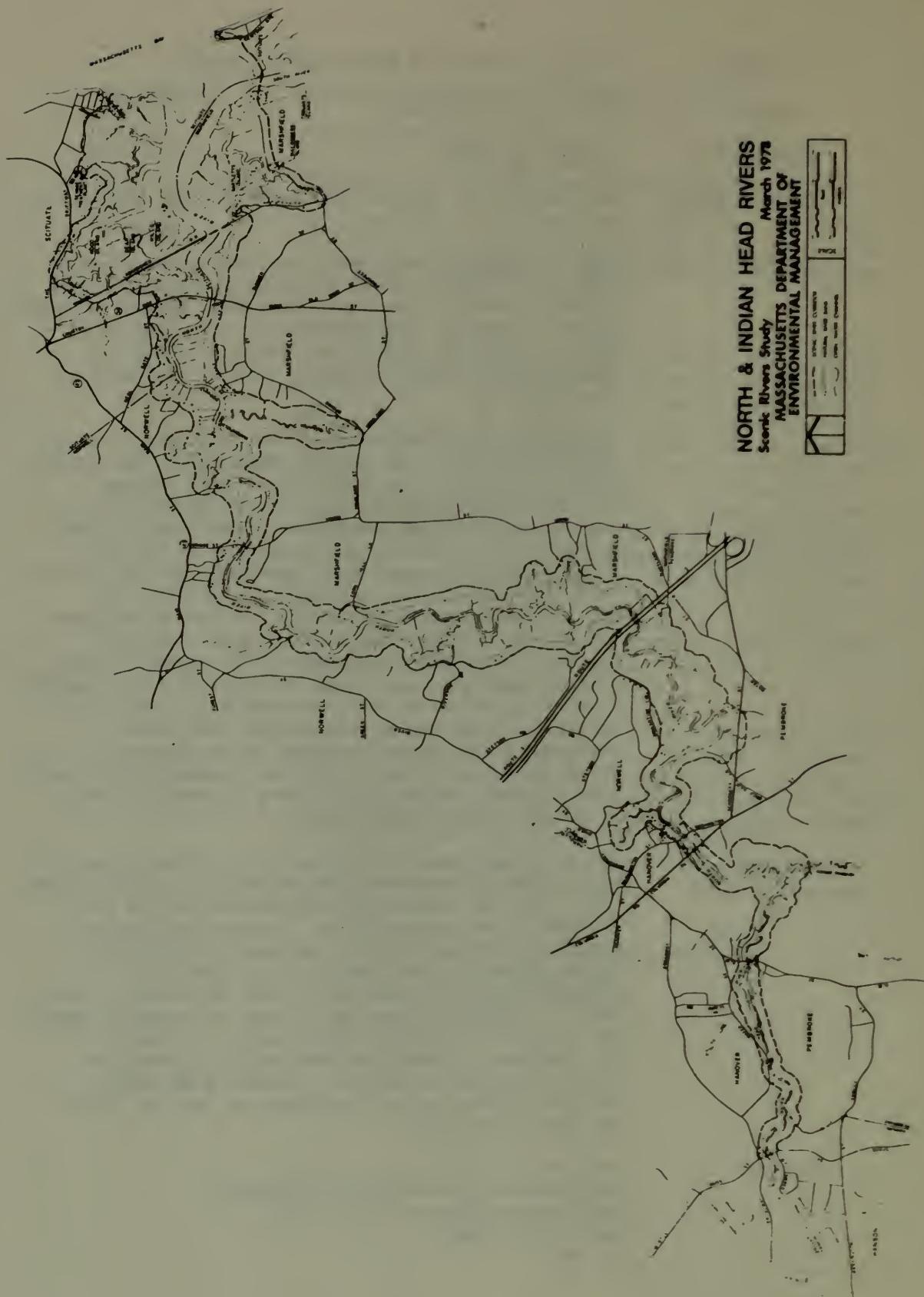
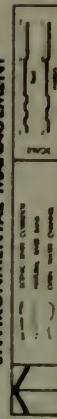
Purpose: This is a quasi-state agency overseeing the 13-mile long North River. The North River Commission's area includes parts of six towns; Scituate, Norwell, Hanson, Hanover, Pembroke, and Marshfield. The Commission has authority to review every project within 100 yards inland of the high water mark of each side of the river.

The North River Commission is the first river out of almost 180 rivers and streams nominated by the Department for possible protection under this program reveals a widespread concern for the protection of our river and stream resources. Scenic and recreational river designation, accompanied by its protective orders, cannot alone guarantee the protection of a river or stream. However, designation can provide some protection for the 100 yard strip along the stream and the designation process can pull together local and state agencies to improve zoning, enforce existing regulations and provide for selective acquisition of sites for conservation or recreation purposes. Thus scenic and recreational river designation can focus attention on the stream's value, provide protection for its immediate banks and draw together resources from many government levels to protect the watershed area.

The law grants the Commissioner of the Department of Environmental Management the authority to issue orders protecting the scenic and recreational rivers and streams of the Commonwealth. These orders are to regulate dredging, filling, polluting and removing or otherwise altering the river or stream and adjacent land up to 100 yards from its natural bank. After a public hearing, the orders, accompanying plans, and a list of the owners affected are recorded in the registry of deeds for the county in which the river or stream is located. Copies of the orders are then mailed to each landowner as well as local and state officials.

Contact: Katharine Preston
Department of Environmental Management
100 Cambridge Street, 19th Floor
Boston, MA 02022
727-8893

NORTH & INDIAN HEAD RIVERS
Scenic Rivers Study
March 1975
MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT



Department: Executive Office of Environmental Affairs

Division: Coastal Zone Management Office

Project Type: Federally sponsored activities within or affecting the Coastal Zone of Massachusetts. Determination of Consistency with Massachusetts Coastal Zone Management Regulations.

Statute Number: CMR 201:20 as amended December 29, 1978.

Applicability: The Massachusetts Coastal Zone Management Office is charged with administration of federal consistency determinations require that certain federal activities affecting the coastal zone be consistent with a state's approved management plan. Briefly, these activities include:

- activities conducted or supported by any federal agency or any federal development project in coastal zone;
- activities affecting land or water in coastal zone for which federal license or permit is required;
- any plan submitted to the Department of the Interior describing activities for exploration, development or production in any area leased under Outer Continental Shelf Land Act;
- activities that are subject of applications for federal assistance under other federal programs submitted by state and local government.

It should be noted that federal consistency determination is not a permitting process but a procedure for project review. No applications for permits are made to the CZM Office. In the case of direct federal activities it is the responsibility of the federal agency to submit a consistency certification to the CZM Office for review. In the case of a private party applying for a federal permit or license, the applicant must submit a consistency determination to the CZM Office if the activity is determined to have significant effects on the coastal zone.

Significance of effect is presumed where the activity is above MEPA thresholds and is subject to MEPA review. Significance is also presumed for activities above MEPA thresholds and subject to an unappealed Order of Conditions by a Conservation Commission.

Contact: Michael Penny, Project Review Coordinator
Leverett Saltonstall Building, Room 2006
Boston, MA 02202
727-9530

MASSACHUSETTS TOWNS COVERED UNDER COASTAL ZONE MANAGEMENT (CZM)

Acushnet	Manchester	Wellfleet
Barnstable	Marblehead	Westport
Berkley	Marion	West Tisbury
Beverly	Marshfield	Weymouth
Brewster	Mashpee	Winthrop
Boston	Mattapoisett	Yarmouth
Bourne	Nahant	Amesbury
Braintree	Nantucket	Hanover
Chatham	New Bedford	Milton
Chelsea	Newburport	Peabody
Chilmark	Newbury	Taunton
Cohasset	Norwell	
Danvers	Oak Bluffs	
Dartmouth	Orleans	
Dennis	Pembroke	
Dighton	Provincetown	
Duxbury	Plymouth	
Eastham	Quincy	
Edgartown	Rehoboth	
Essex	Revere	
Everett	Rockport	
Fairhaven	Rowley	
Fall River	Salem	
Falmouth	Salisbury	
Freetown	Sandwich	
Gay Head	Saugus	
Gloucester	Scituate	
Gosnold	Seekonk	
Harwich	Somerset	
Hingham	Swampscott	
Hull	Swansea	
Ipswich	Tisbury	
Kingston	Truro	
Lynn	Wareham	

DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING (DEQE)

I. Western Regional Office

Mr. Angelo Iantasca
University of Massachusetts - Amherst
(413) 545-2610

II. Central Regional Office

Mr. Gilbert T. Joly
75 Grove Street
Box 23
Worcester, MA
(617) 727-3265, 754-3226

III. Metro Boston/Northeast Regional Office

Mr. Gerald McCall, Director
323, New Boston Street
Woburn, MA 01801
(617) 935-2160

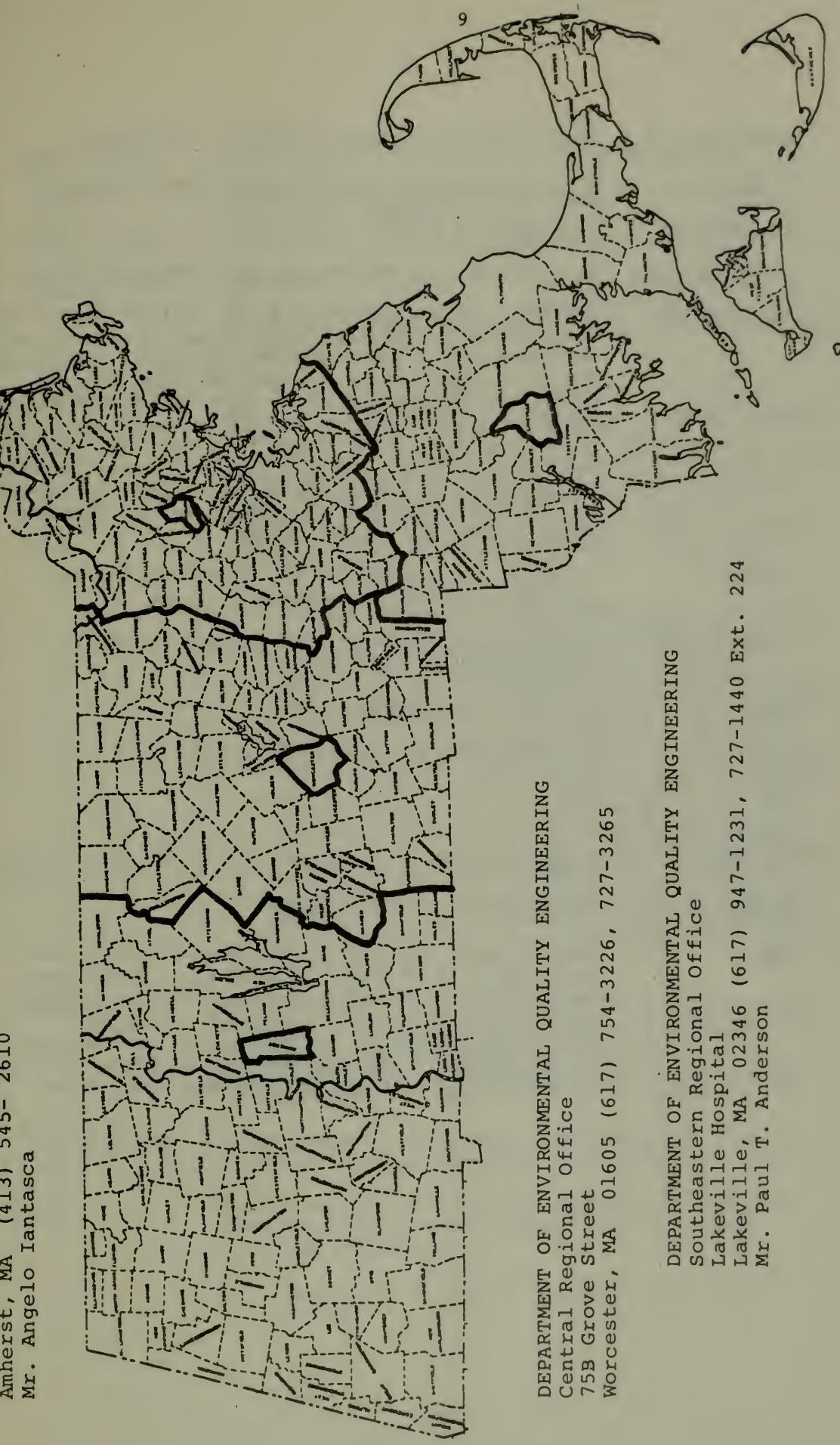
V. Southeastern Regional Office

Mr. Paul T. Anderson
Lakeville Hospital
Middleboro, MA
(617) 947-1231, 727-1440 Ext. 224

DEQE Regional Offices and Regional Engineer in charge. Jurisdiction
of Regional Offices are shown in the following map.

DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEER
Western Regional Office
Public Health Center
University of Massachusetts
Amherst, MA (413) 545-2610
Mr. Angelo Iantasca

DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING
Metro Boston/Northeast Regional Office
323 New Boston St. Mr. George McCall
Woburn, MA 01801 (617) 935-2160



DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING
Central Regional Office
75B Grove Street
Worcester, MA 01605 (617) 754-3226, 727-3265
DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING
Southeastern Regional Office
Lakeville Hospital
Lakeville, MA 02346 (617) 947-1231, 727-1440 Ext. 224
Mr. Paul T. Anderson

Department: Department of Environmental Quality Engineering

Division: Division of Air and Hazardous Materials (Name to be changed, see Note below.)

Project Type: Fuel Additive Approval

Statute Number: MGL, Chapter 111, Section 142A-142E, CMR 310:7.03 (5)

Applicability: Any person having control of a fuel utilization facility which uses a fuel additive which causes or contributes to a condition of air pollution must receive Department approval, except to use the additive, when the manufacturer or distributor of the additive has been granted approval by the Department for general public use. Any person selling or distributing for sale or use any fuel additive to be used in a fuel utilization facility must insure that the Department has approved the additive for use. The Department may exempt any fuel additive widely used by the general public.

Purpose: To improve air quality and prevent the use of fuel additives that could be harmful to health.

Prerequisites: One must have authorization to operate the fossil fuel utilization facility.

MEPA: No MEPA filing is required.

Life: The life of the approval is unlimited.

Fee: None

Associated Permits: Permission to operate a fossil fuel utilization facility.

Contact: Regional Environmental Engineers

Note: Chapter 704 of the Acts of 1979 created a Division of Hazardous waste in DEQE. Consequently, the name and functions of the Division of Air and Hazardous Materials will be changed in the near future to concentrate on air quality matters. Unfortunately, the new name of the Division of Air and Hazardous Materials was not available at the time this document was printed.

Department: Department of Environmental Quality Engineering

Division: Division of Air and Hazardous Material - Air Quality
(Name to be changed.)

Project Type: New Sources of Air Contaminants (Fossil Fuels)

Statute Number: MGL, Chapter 111, Section 142A-142E, the U.S. Clean Air Act, 42 U.S.C. 7401, "Regulations for the Control of Air Pollution in the Massachusetts Air Pollution Control District," CMR 310:7.00

Applicability: Any proposed new source of air contaminants (which include carbon monoxide, hydrocarbons, nitrogen oxides, sulfur dioxide, particulate matter, any pollutant covered by the National Emission Standards for Hazardous Air pollutants promulgated by the U.S. Environmental Protection Agency) must be approved. The review specifically applies to the following types of sources, as well as any other type of facility as the Department may require:

incinerators, fossil fuel utilization facilities having energy input capacities greater than three million (3,000,000) b.t.u.s per hour; industrial facilities such as asphalt batching plants, foundries, chemical products manufacturing plants, petroleum products manufacturing plants, aggregate manufacturing plants, food and food products plants, wood products plants, dry cleaning establishments, paint and varnish manufacturing plants, paper manufacturing plants, leather manufacturing plants, concrete manufacturing plants, and metal coating and treating plants; hand-fired solid fuel facilities greater than 150,000 b.t.u.'s; and stationary nuclear sources; and any organic-material storage and loading facilities handling materials with vapor pressures between 1.5 to 11 lbs. per square inch or higher.

Purpose: The air quality control program is intended to protect the public health, to achieve, maintain and enhance air quality in the Commonwealth in a manner consistent with the needs of society and to comply with the requirements of the U.S. Clean Air Act.

Prerequisites: Local boards of health must assign incinerator sites where the grate area exceeds 10 square feet.

MEPA: An Environmental Notification Form must be filed if a new or modified source greater than any of the following thresholds:

- a. incinerator of design capacity of over 50 tons per day

- b. industrial facility having the potential to emit over 50 tons per year of any air contaminant after the imposition of required controls;
- c. new fossil fuel utilization facility having an energy input capacity greater than 100 million b.t.u.'s per hour;
- d. any sewage sludge incinerator; or
- e. industrial facility emitting any contaminant covered by national emission standards for hazardous air pollutants under the federal Clean Air Act.

Procedures:

The Department requires that potential sources of air contaminants submit plans, specifications, proposed Standard Operating Procedure, and proposed maintenance procedures for any new or modified facility. The Department's review is included to determine conformity with state and federal regulations, including emission limitations contained in Massachusetts regulations, Federal New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAPS), and assurance of continued conformance with Massachusetts and Federal National Ambient Air Quality Standards (NAAQS). The Department will notify the applicant within ten days of the Department's receipt whether or not the application is complete. Except when a project is subject to the provisions of MEPA (see above), plan review is normally completed within 60 days of the Department's receipt of a complete application.

Life:

The life is unlimited, except that approval may be cancelled if construction does not begin within two years or if work is suspended for one year during construction. Note also that Regulation 7.12 (1) requires every source of air pollution to register each year with the Department, on forms provided by the Department, and to submit such information concerning emissions as the Department may specify.

Fee:

None

Associated
Permits:

If the proposed site of the new or modified source is in an area designated as "attainment" for any pollutant which the source will emit, the source may require a "PSD" (Prevention of Significant Deterioration) permit from the U.S. Environmental Protection Agency.

Contact:

Regional Environmental Engineer

Department: Department of Environmental Quality Engineering

Division: Division of Air and Hazardous Materials (Name to be changed.)

Project Type: Open Burning Permit

Statute Number: MGL, Chapter 111, Section 142A-142E, MGL, Chapter 48 Section 13, CMR 310:7.07

Applicability: Any person who desires to burn combustible material in the open and is not exempt by the following regulations must receive a permit:

1. burning of Christmans trees from December to January 7 (under a municipal permit as provided by MGL, Chapter 111, Section 142G)
2. Ceremonial bonfires (under a municipal permit as provided by MGL, Chapter 111, Section 142H) Open burning for cooking purposes.
3. open burning to combat an existing fire by members or affiliates of an official fire fighting agency
4. open burning related to the operation of devices such as blow torches and welding torches, for which no alternative source of heat can be used, provided that such devices do not cause a condition of air pollution.

Further, except during periods of adverse meterological conditions, the following activities also do not require an open burning permit:

1. training or research in fire protection or prevention
2. activities associated with the normal pursuit of agriculture
3. the disposal of fungus-infected elm wood
4. the disposal of brush, cane, driftwood and forestry debris excluding grass, hay, leaves, and stumps from January 15 to May 1 of each year.

Purpose: Open burning permit program is intended to contribute to the goals of the general air quality control program by reducing the amount of particulates emitted into the air.

Prerequisites: None

MEPA: No MEPA filing is required

Life: The permit may not be granted for more than two days from the date of issuance.

Fee: None

Associated Permits: The open burning permit is issued by the local fire department. That local authority implements the Department's regulations.

Contact: Regional Environmental Engineer

Department: Department of Environmental Quality Engineering

Division: Division of Hazardous Waste

Project Type: Hazardous Waste License

Statute Number: MGL, Chapter 21C (added by Chapter 704 of the Acts of 1979). U.S. Resource Conservation and Recovery Act (RCRA), 42 USC 3251, 314 CMR (new regulations will be adopted in 1980).

Applicability: No person may collect, transport, store, treat, use or dispose of hazardous waste without a license from the Department.

Purpose: The purpose of this program is to protect the public health, safety and the environment against the improper disposal of hazardous waste.

Prerequisites: Any disposal facility must comply with the procedures of MGL, Chapter 111, Section 150A.

Any person applying for a license to transport hazardous waste must furnish a certification from the Department of Public Utilities that he had complied with the Public Utilities' laws, MGL, Chapter 159B.

MEPA: Any applicant for a hazardous waste disposal facility, other than for stabilized metallic sludges, must file an Environmental Impact Report. CMR 301:10.33 (5) (a) (31).

Any storage facility of more than 100 tons of hazardous waste will require the filing of an Environmental Notification Form. CMR 301:10.32 (3) (b) (6) (e).

Life: A license is valid for five years, unless a shorter period of time is specified.

Fee: \$100 - \$500

Associated Permits: None

Contact: Division of Hazardous Waste
Department of Environmental Quality Engineering
600 Washington Street
Boston, Ma 02111
727-2658
William Cass

Department: Department of Environmental Quality Engineering

Division: Division of Land and Water Use (Waterways)

Project Type: Approval of Floats and Rafts

Statute Number: MGL, Chapter 91, Section 10A, CMR-None

Applicability: Any person who wants to locate a float or a raft in any harbor must obtain a permit from the harbormaster of the town. A float or raft must be temporary not held in place by pilings. Individual moorings are not regulated by this program. The Department is the appeal agency from the decision of the harbormaster.

Purpose: The purpose of this program is to regulate the placement of floats and rafts to prevent congestion and protect safety of navigation.

Prerequisites: None

MEPA: No MEPA filing is necessary.

Procedure: A person who wants to locate a float or raft must receive a permit from the harbormaster of the town. Within thirty days of the harbormaster's decision any person aggrieved by the action of the harbormaster may appeal to the Department. After consideration the Department may confirm, amend, or set aside the action of the harbormaster.

Life: The life of the permit is one calendar year.

Fee: None

Associated Permits: A U.S. Corps of Engineers permit may be necessary.

Contact: Division of Land and Water Use (Waterways)
100 Nashua Street, Room 532
Boston, MA 02114
727-4797
John Hannon

Department: Department of Environmental Quality Engineering

Division: Division of Land and Water Use (Waterways)

Project Type: Chapter 91 - Waterways License

Statute Number: MGL, Chapter 91, Section 12-23, CMR 310 (These regulations cover work in the coastal areas. There are no regulations for structures built in inland waters.)

Applicability: Any structure constructed seaward of the high tide line in tidal areas, in or over any great pond or any river or stream on which there have been government expenditures of money must be licensed.

Purpose: The program protects the public's rights in the waters of the Commonwealth and the land under those waters. Generally, the people of the Commonwealth own the land below low water in tidelands and beneath great ponds. Structures may be built on those lands that benefit the public rights in those lands and do not harm the public interests in any way. The right to navigate in the waters over these lands is especially important. Licenses may be granted in rivers and streams if the right to navigation and any public money spent for flood control or stream clearance are protected.

Prerequisites: The applicant must have filed a notice of intent under the Wetlands Protection Act prior to filing for a license and must have received an Order of Conditions prior to receiving a license.

MEPA: The applicant must file an Environmental Notification Form for any project involving:

1. construction, replacement or expansion of a solid fill structure greater than 1,000 square feet base area;
2. dredging or disposal of more than 10,000 cubic yards of material;
3. construction of 50 or more marina slips;
4. construction of new dams or changing impoundment capacity of existing dams by more than 20 percent; or
5. installation of electric transmission lines of 69 kv or greater in a new electric corridor across a waterway more than 20 feet wide. CMR 301:10.32 (b) (2)

Procedure:

The applicant submits plans and specifications prepared by a professional engineer to the Department. The Department must notify the selectmen in the affected town and consider their comments. The Department reviews the plans and informs the applicant if a license is to be granted. The applicant pays the appropriate fee, receives the license, records it, and then may commence construction.

Life:

The license becomes void if not recorded in the registry of deeds within one year of issuance, and expires as to any structure not constructed within five years of issuance. Otherwise the life of the license is unlimited.

Fee:

1. For any structure below high water in tidewaters there is a fee of \$2.00 per cubic yard of tidewater displaced.
2. For any structure in Commonwealth tidelands there is a fee of \$2.00 per square foot of land occupied. Generally Commonwealth tidelands extend from the low water mark or 100 rods seaward of high water, whichever is nearer to land, to the three mile limit.

Related PermitsAndProcedures:

The project must receive a water quality certification from the Department's Division of Water Pollution Control. This procedure is initiated by the Division of Waterways.

Prior to construction the applicant must receive a permit from the U.S. Corps of Engineers. This permit will generally not be granted until after the state license is granted. For information, contact the U.S. Corps of Engineers, 424 Trapelo Road, Waltham, MA 02154

Structures in ocean sanctuaries are subject to more stringent requirements. This program is administered by the Department of Environmental Management, although no additional permits are necessary. MGL, Chapter 132A, Section 13-18, CMR 302.

Contact:

Division of Land and Water Use
100 Nashua Street, Room 532
Boston, MA 02114
727-4797
John Hannon

*Note: U.S. Army Corps' jurisdiction does not include ponds.

Department: Department of Environmental Quality Engineering

Division: Division of Land and Water Use (Waterways)

Project Type: Construction and Maintenance of Dams

Statute Number: MGL, Chapter 253, Section 44-50, as amended by Chapter 722 of the Acts of 1979 (effective February 11, 1980), CMR-None.

Applicability: A permit is required for the construction of any dam which is 25 or more feet high, which can impound 50 acre feet of water, or which is designated by regulation. These criteria were established by Chapter 722 of the Acts of 1979, which becomes effective February 11, 1980. Until that date, different criteria, described in MGL, Chapter 253, Section 44 apply. As of January 1, 1980, no regulations designating other dams have been adopted. Therefore, only the first two standards apply.

Purpose: This program is to protect the public from unsafe dams.

Prerequisites: The applicant must have filed a motion of intent under the Wetlands Protection Act prior to filing for a permit and must have received an Order of Conditions prior to receiving the permit.

The applicant must file for a Chapter 91 license at the time of filing for this permit. The review for both permits will take place at the same time.

MEPA: The applicant must file an Environmental Notification Form for the building of any new dam that requires a permit or for changing the impoundment capacity by 20 percent.

Procedures: The applicant must submit plans and specifications prepared by a registered engineer approved by the department. After construction the engineer must certify that the dam has been constructed in accordance with the permit.

Life: The life of this permit is unlimited.

Fee: There is none.

Associated Permits
And
Procedures: Dredging and Disposal of Dredged Material Permit

A U.S. Corps of Engineers permit will generally be required. Contact the Corps of Engineers, 424 Trapelo Road, Waltham, MA 02154

Contact: Division of Land and Water Use
 100 Nashua Street, Room 532
 Boston, MA 02114
 727-4797
 Joseph Iagallo

Department: Department of Environmental Quality Engineering

Division: Division of Land and Water Use (Waterways)

Project Type: Dredging and Disposal of Dredged Material Permit

Statute Number: MGL, Chapter 21A, Section 4, Chapter 91, Section 2, 52, 53, 54, and 55. CMR 210 and 313

Applicability: No person may dredge in the tidewaters of the Commonwealth or dispose of any dredged materials without a permit from the Department.

Purpose: This program protects the public interest in the tidewaters of the Commonwealth, especially water quality and navigational safety. No dredged materials may be disposed of in a way that would harm water quality, degrade the environment or harm public health.

Prerequisites: The applicant must have filed a motion of intent under the Wetlands Protection Act (see Page 39) prior to filing for a permit and must have received an Order of Conditions prior to receiving the permit.

MEPA: Any person dredging or disposing of more than 10,000 cubic yards of material must file an Environmental Notification Form. CMR 301:10.32 (b) (2) (b).

Procedure: The applicant must submit plans and specifications prepared by an engineer and other information required by the Department.

Life: The life of the permit will be stated in the permit. It may be for as long as ten years and include maintenance dredging in its terms.

Associated Permits

And

Procedures: A water quality certification from the Department's Division of Water Pollution Control is required. The Department will initiate this procedure.

Any dredging project in navigable waters will require a permit from the U.S. Corps of Engineers. This permit will generally not be granted until after a state permit is granted. For information, contact the U.S. Corps of Engineers, 424 Trapelo Road, Waltham, MA 02154.

Contact: Division of Land and Water Use
100 Nashua Street, Room 532
Boston, Ma
727-2658
John Hannon

Department: Department of Environmental Quality Engineering

Division: Division of Land and Water Use

Project Type: Mineral extraction from land under coastal waters.

Statute Number: MGL, Chapter 21, Section 54-56. CMR-None (Regulations will be adopted early in 1980.)

Applicability: Any person must receive a permit from the Department prior to extracting minerals from land under the coastal waters or exploring for such minerals. The Department may lease exclusive rights or extraction. Exploration for and removal of material for beach replenishment, navigational improvement projects and piers, bridges, culverts and similar structures is exempt.

Purpose: The purpose of this program is to provide for the orderly exploration of minerals in the coastal waters of the state and so set a fee for the exploration of materials in lands belonging to the Commonwealth.

Prerequisites: None

MEPA: None

Procedure: The applicant applies for a license to explore for minerals or for a license and a lease to extract minerals. The Department must hold a public hearing on the application, after notifying all towns bordering on coastal waters. The Department must determine the quantity, quality, and location of the minerals. The applicant must post a bond prior to the issuance of a license or lease. If the Department determines that natural resources will be protected and that navigation will not be unreasonably interfered with, it approves the project.

Life: Set by the terms of the license or lease.

Associated Permits
And
Procedures: The applicant must receive an Order of Conditions and a permit to remove dredged material. A permit from the U.S. Corps of Engineers is also required.

Fee: No fee for a license to explore. A fee for the extraction of minerals shall be set which will permit a fair profit for the licensee or leasee.

Contact: Joseph Sinnott
State Geologist
Division of Land and Water Use
100 Nashua Street
Boston, MA 02114
727-4797

Department: Department of Environmental Quality Engineering

Division: Division of Waste Disposal

Project Type: Approval of a Waste Disposal Facility

Statute Number: MGL, Chapter 111, Section 1504, Also see the U.S. Resource Conservation and Recovery Act, 42 USC 3251. In 1980, the Department should obtain interim authorization from the U.S. Environmental Protection Agency to conduct a program under RCRA. CMR 310:19.00.

Applicability: The plans for any waste disposal facility must be approved prior to construction. A facility is a sanitary landfill, a refuse transfer station, a refuse incinerator with a growth area in excess of ten square feet, a refuse composting plant, a dumping ground for refuse or any other works for treating or dumping of refuse. Refuse means all solid or liquid waste material, except sewage.

Purpose: To protect the public against the improper disposal of waste material which could harm public health or the environment. The Department reviews the location, design and capacity of the facility.

Prerequisites: None, unless the facility is located in an area subject to the jurisdiction of the Wetlands Protection Act (see Page 39), in which case those requirements are a prerequisite.

MEPA: The applicant must file an Environmental Notification Form prior to action on:

1. a transfer station A incinerator of greater than 50 tons per day capacity
2. a landfill greater than 100 tons per day capacity, 250 acre feet volume or 25 acres in area
3. a landfill within $\frac{1}{2}$ mile of a public ground-water supply or within the watershed of a public surface water supply.
4. a landfill which accepts special wastes, except permitted stabilized metallic sludges or fly ash
5. a new or expanded facility for storage of more than 25,000 gallons of hazardous wastes, other than permitted stabilized metallic sludges; or
6. waste water treatment plants to dispose of more than 15 tons, net weight of sewage sludge per day. CMR 310:10.32 (b) (6).

Procedure: The applicant must apply to the local board of health for assignment or approval of the site of the facility. If, after a public hearing, the board of health determines that the site can be used for a waste disposal facility without harm to the public health's comfort convenience it assigns the site. The assignment may be appealed to the Department within sixty days. If the board of health refuses to assign the site, the applicant may appeal to court.

After a site has been assigned, the applicant must submit plans and specifications to the Department for approval. If the plans and specifications meet the Department's criteria, they are approved and the facility may be operated.

Life: The life is unlimited, unless otherwise stated as a condition of approval.

Fee: None

Associated Permits

And

Procedures: If the facility is for the storage treatment or disposal of hazardous waste, an additional license from the Department is required

Contact: Board of Health and Regional Environmental Engineer

Department: Department of Environmental Quality Engineering

Division: Division of Water Pollution Control

Project Type: Discharge to Ground

Statute Number: MGL, Chapter 21, Section 43. Guidelines are available from the Division of Water Pollution Control, CMR-None.

Applicability: This permit covers all discharges of pollutants over fifteen thousand (15,000) gallons per day into the ground waters of the Commonwealth.

Purpose: This permit regulates the quality and quantity of pollutants discharged to the ground waters of the Commonwealth to protect ground water quality.

Prerequisites: None

MEPA: A permit for the discharge of more than 25,000 gallons of industrial waste or septage per day will require an ENF to be filed.

Procedure: The applicant files engineering plans and specifications with the Department of Water Pollution Control. After consideration, a draft permit is issued. Within 21 days of the publication of notice of a draft permit, a public hearing may be requested.

After the public hearing, if requested, a final permit is issued based upon the hearing. Any aggrieved party may request an adjudicatory hearing within thirty days of the final determination.

Life: Set by the terms of the permit.

Fee: None

Associated Permits
And
Procedures: A facility for disposal of septage will require a permit.

Contact: Division of Water Pollution Control
110 Tremont Street
Boston, MA 02108
727-3855
William Slagle

Department: Department of Environmental Quality Engineering

Division: Division of Water Pollution Control

Project Type: Industrial Waste Treatment Facilities

Statute Number: MGL, Chapter 21, Section 27(13), Massachusetts Water Quality Standards (Massachusetts Register Issue No. 124, September 21, 1978). Treatment must satisfy water quality standards, effluent limitations (40 CFR Part 400), and/or sewer use ordinance.

Applicability: Approval is required of all new industrial waste water treatment facilities or significant modifications of existing facilities.

Purpose: To protect water quality from pollution by industrial waste.

Prerequisites: None

MEPA: Any person discharging more than 25,000 gallons per day file an Environmental Notification Form.

Procedure: Applicant submits engineering report and/or final plans to the Division of Water Pollution Control.
A review is made to determine whether the proposed treatment will meet water quality standards, effluent limitations, and other applicable regulations, and whether the proposed design is in accordance with modern sanitary engineering practice.
Approval will take approximately one (1) month if plans require no revision. Following final plan approval, constructed facilities are inspected to insure conformance to approved design.

Life: The life is unlimited.

Fee: None

Contact: Division of Water Pollution Control
110 Tremont Street
Boston, MA 02108
727-3855
William Slagle

Department: Department of Environmental Quality Engineering

Division: Department of Water Pollution Control

Project Type: Marine Oil Treatment License

Statute Number: MGL, Chapter 21, Section 50-50A. CMR-None

Applicability: License is required for any shore-based facility used for loading, discharge and storage of petroleum products from self-powered or towed vessels equipped to carry more than five thousand (5,000) gallons of bulk oil, either or as boat fuel.

Purpose: The purpose of this program is to protect public safety and to prevent oil pollution of the waters of the Commonwealth.

Prerequisites: None

MEPA: The applicant for any new or expanded marine oil terminal must file an Environmental Notification Form. CMR 301:10.32 (3) (a).

Procedure: The applicant applies to the Division of Water Pollution Control. If the Division determines that the applicant has the proper equipment and facility and can operate an oil terminal within the requirements of the regulations, it issues a license. Each terminal is inspected annually in conjunction with license renewal.

Life: The license is valid for one year.

Associated Permits
And
Procedures: Local fire department requirements must be satisfied, although the Division of Water Pollution Control license is issued independently. If any construction in waterways is necessary, a Chapter 91 license (see Page 17) and a wetland Order of Conditions (see Page 39) will be necessary.

Contact: Division of Water Pollution Control
110 Tremont Street
Boston, MA 02108
727-3855
William Marhoffer

Department: Department of Environmental Quality Engineering

Division: Division of Water Pollution Control

Project Type: National Pollution Discharge Elimination System (NPDES)

Statute Number: MGL, Chapter 21, Section 43, 33 USC 1342 (Section 402 of the Federal Water Pollution Act).

Massachusetts Water Quality Standards (Massachusetts Register Issue No. 124, September 21, 1978); Effluent Standards promulgated by the EPA (40 CFR Parts 400 et seq); and Standard Rules for Adjudicatory Proceedings.

Applicability: Any point source discharging pollutants into the waters of the United States requires a NPDES permit. Federal definition of such sources may not coincide exactly with Massachusetts definition, thus any source discharging pollutants (also, power plant cooling water) within the Commonwealth should contact both the EPA and the DWPC.

Purpose: This program protects and enhances water quality. The conditions of the permit establish quantity and quality limitations upon pollutants which may be discharged in order to maintain quality classifications assigned to the waters of the Commonwealth or the Federal effluent standards assigned to a particular category of sources, whichever is the more stringent. The permit also establishes interim levels of pollutants which may be discharged from a point source where the treatment technology currently employed by such a source is unable to meet final limits established in the permit. In this case the permit also establishes an implementation schedule for construction of the needed technology. All permits require the permittee to monitor the level pollutants in its discharge and report sample analyses to both the EPA and the DWPC in accordance with a schedule in the permit.

Procedures: The permit is issued jointly under Federal and Massachusetts law. Under Federal law this permit regulates the discharge of pollutants from any point source into waters of the United States. The Massachusetts statute similarly regulates point source discharges of pollutants into waters of the Commonwealth. By written agreement, the United States Environmental Protection Agency (EPA) and the Massachusetts Division of Water Pollution Control (DWPC) jointly process and

issue such permits for discharges in the Commonwealth. The procedure, which is directed by federal requirements may take two years if parties exercise their rights to adjudicatory hearings. The applicant must file with both DWPC and EPA for a detailed flow chart and explanation of the process, contact DWPC.

Life: Permits are issued for a term not exceeding five years.

Fee: None

Associated Permits

And

Procedures: Construction of the outfall in an area subject to the Wetlands Protection Act or in a waterway will require an Order of Conditions or a Waterways License.

Contact: Department of Water Pollution Control
110 Tremont Street
Boston, MA 02108
727-3855
William Slagle

Department: Department of Environmental Quality Engineering

Division: Division of Water Pollution Control

Project Type: Sewer Extension and/or Connections

Statute Number: MGL, Chapter 21, Section 43, CMR-None

Applicability: All extensions of sewer systems require permits; individual connections to a system to carry only sanitary (domestic) wastes require a permit if the flow to be added exceeds 2,000 gallons per day. Additionally, connections for domestic waste flows less than 2,000 gallons per day may require a permit if the municipality has been so notified. Any connection to convey industrial wastes requires a permit.

Purpose: This permit is required to ensure the proper design and use of sewerage systems. The capacity of downstream sewer lines and treatment facilities to adequately carry and treat additional flow is examined. This review ensures that inadequate capacity does not cause sewage discharge into Massachusetts waters and that reduction in sewage treatment levels do not violate the National Pollutant Discharge Elimination system permit.

Prerequisites: Applications to the Division of Water Pollution Control must be approved by the municipality or district to whose sewerage system the connection or extension is to be made.

MEPA: The applicant must file an Environmental Notification Form for construction of any interceptor more than 2,500 feet long or of a design capacity greater than 2 million gallons per day.

Procedure:

1. Applicant requests approval of extension/connection permit application from municipal/district sewerage system owner.
2. Applicant sends permit application to the Division of Water Pollution Control (DWPC) together with construction plans and specifications of the proposed connection/extension.
3. DWPC makes initial determination to issue or deny permit and sets conditions. (This occurs a minimum of one (1) month following submission of initial application).
4. Within twenty one (21) days from the publication of the initial determination, any interested person may comment and request a public hearing.

5. DWPC issues a final determination to issue or deny the permit. Within thirty days the applicant or aggrieved parties may request an adjudicatory hearing. After opportunity for hearing, the extension/connection permit is granted or the denial becomes final.

Life: The permit life is unlimited, unless revoked by the DWPC pursuant to an adjudicatory proceeding.

Fee: None

Associated Permits

And

Procedures: None

Contact: Division of Water Pollution Control
110 Tremont Street
Boston, MA 02108
727-3855
William Slagle

Department: Department of Environmental Quality Engineering

Division: Division of Water Pollution Control

Project Type: Subsurface Sewage Disposal Facilities

Statute Number: MGL, Chapter 111, Section 17, Chapter 21A, Section 1,
CMR 310:15.19

Applicability: Approval of any subsurface sewage disposal system
is necessary prior to construction. Systems under
15,000 gallons per day may be approved by the local
board of health in accordance with the Department's
regulations. Other systems require approval of the
Department.

Purpose: To protect public health and the environment from the
improper disposal of sewage.

Prerequisites: None

MEPA: No filing is necessary.

Procedure: For systems under 15,000 gallons per day the applicant
applies to the Board of Health in the town in which
the system is located. The board reviews the plans to
determine whether the system conforms to Title 5 of
the State Environmental Code, and with any local regu-
lations. Many towns have regulations that are more
stringent than the State Code. There is no appeal to
the Department. The Department can become involved in
an individual case only if the Board of Health fails to
enforce the Environmental Code. The Department regards
the approval of these systems as being a local matter
and seldom involves itself in individual cases.

For systems over 15,000 gallons per day, the applicant
must apply directly to the Department for approval.

A permit from DWPC for a discharge of more than 15,000
gallons per day will be required.

Contact: Board of Health and Regional Environmental Engineer

Department: Department of Environmental Quality Engineering

Division: Division of Water Pollution Control

Project Type: Water Quality Certification

Statute Number: MGL, Chapter 21, Section 27(12), 33 USC 1341 (Section 401 of the Federal Water Pollution Control Act.)

Massachusetts Water Quality Standards (Massachusetts Register Issue no. 124, September 21, 1978), Regulations for Water Quality Certification for Dredging, Dredged Material Disposal and Filling in Waters of the Commonwealth (Massachusetts Register Issue No. 122, September 8, 1978).

Applicability: Any project requiring a Federal or State license or permit to conduct activities which may result in discharges to waters must obtain State certification before license or permit may be issued.

Purpose: This certification insures that Federal or State licenses or permitted projects meet State water quality standards and related requirements.

Prerequisites: The applicant must have filed for a Federal or State license or permit for a project which may result in discharge to water.

MEPA: No filing is necessary.

Procedure: This process is initiated as a part of some other permitting process. The Department will supply the required form as a part of that procedure and submit the form to DWPC.

Life: Unlimited

Fee: None

Associated Permits
And

Procedures: The permit is always associated with some other license or permit.

Contact: Division of Water Pollution Control
110 Tremont Street
Boston, MA 02108
727-3855
William Slagle

Department: Department of Environmental Quality Engineering

Division: Division of Water Supply

Project Type: Cross-Connection Permit

Statute Number: MGL, Chapter 111, Section 160A, CMR 310:22.20

Applicability: Any place where there is a connection between a potable water supply and nonpotable water. Examples include water sources for fire protection, chemical-containing sprinkler systems, boiler-feed water, recirculated chilled-water systems, process waters, hospitals and manufacturing plants.

Purpose: The purpose of this program is to prevent contamination of potable water supplies.

Prerequisites: None

MEPA: None

Procedures: Plans and specifications must be submitted to and approved by DEQE

Life: This permit expires every December 31.

Fee: \$10.00

Associated Permits
And
Procedures: Plumbing permits under State Plumbing Code

Contact: Division of Water Supply
600 Washington Street
Boston, MA 02111
727-2692
Robert McCracken

<u>Department:</u>	Department of Environmental Quality Engineering
<u>Division:</u>	Division of Water Supply
<u>Project Type:</u>	<u>Public Water System Permit</u>
<u>Statute Number:</u>	MGL, Chapter 111, Section 5G, 17, 160, Safe Drinking Water Act; P.L. 93-523 as amended, CMR 310:22.00, 40 CFR Parts 121 and 122.
<u>Applicability:</u>	This applies to the Construction of a new system for the provision of piped water, or substantial modification of an existing system, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. This does not apply to a system which (1) consists only of distribution and storage facilities, (2) obtains all of its water from another system regulated by DEQE, (3) not sell water to any person, and (4) is not a passenger carrier.
<u>Purpose:</u>	The purpose of this program is to protect the public health by assuring that water supplied to the public is safe, fit and pure to drink and to assure that Massachusetts complies with the Federal Safe Drinking Water Act.
<u>Prerequisites:</u>	None
<u>Procedures:</u>	The activities listed below must receive prior written DEQE approval. This approval applies to new construction as well as reconstruction, substantial modification, extension, or expansion of existing facilities:
	<ol style="list-style-type: none">1. DEQE must approve the proposed source of water, whether surface or ground, as a fit source of drinking water supply.2. DEQE must approve the plans and specifications for all collection, treatment, storage and distribution facilities. No financial commitment for any of the foregoing may be entered into until all required DEQE approvals have been obtained.
<u>MEPA:</u>	An Environmental Notice Form must be filed for: <ol style="list-style-type: none">1. Approval of any surface source.2. Approval of any ground water source of rated capacity greater than 500,000 gallons per day.3. Approval of any drinking water treatment plant of design capacity greater than 2 million gallons per day.4. Release of surplus water supply land of more than 10 acres.

Associated PermitsAnd

- Procedures:
1. Zoning Permit
 2. Wiring Permit From Municipality
 3. Building Permit

Contact:

Outdoor Advertising Division
80 Boylston Street, Room 505
Boston, MA 02116
426-0708

Department: Department of Environmental Quality Engineering

Division: Wetlands Program

Project Type: Wetlands Order of Conditions

Statute Number: MGL, Chapter 131, Section 40, CMR 310:10.00
(Part I - Regulations for all Wetlands, Part II - Regulations for Coastal Wetlands).

Applicability: Any person filling, dredging, removing or altering any of the following lands is subject to this program:

1. any bank	the ocean
any freshwater wetlands	an estuary
any coastal wetland	any creek
any beach	which
any dune	borders
any flat	any river
any marsh	any stream
any meadow	any pond
or any swamp	or any lake

2. Land under any of the water bodies listed above.
3. Land subject to tidal action.
4. Land subject to coastal storms flowage.
5. Land subject to flooding.

Purpose: The program protects the public interest by regulating projects to prevent damage to water supplies, fisheries or shellfish areas and to prevent increases in flooding, storm damage and pollution. The role of the Department is to adopt regulations and procedures to be followed by the conservation commissions and to be the appeal agency for the commissioners' actions.

Prerequisites: The applicant must have filed for all obtainable local permits, variances and approvals prior to filing the Notice of Intent. Prior to any action by the Department, the conservation commission must have acted or failed to act in a timely manner.

MEPA" The applicant must file an Environmental Notification Form prior to the Department issuing a Superseding Order of Conditions for any project other than a single family dwelling which will alter more than one acre of land subject to the Act, affect more than 500 feet of bank or fill or alter an area in a floodway, CMR 301:10.32 (b) (1).

Procedures: Prior to filling, dredging, removing or altering any land subject to the Wetlands Protection Act, a person must receive permission from the conservation commission of the town or from the Department. (In a few towns which have no conservation commission, the mayor and selectmen act.) The applicant must file an application, known as a notice of intent, with the conservation commission and the Department. Within 21 days the conservation commission must hold a hearing on the project. Within 21 days of the hearing the conservation must determine whether the area is significant to the interests of the Act and if so, impose conditions on the project which will protect those interests. The interests of the Act are: public or private water supply, flood control, storm damage prevention, prevention of pollution, protection of land containing shellfish, and protection of fisheries. The permit is called an Order of Conditions. If the conservation commission does not meet any time period or if the applicant, any abutter, ten citizens of the town or any aggrieved person appeals, the Department will review the case and issue a superseding order of conditions. Any party to the proceeding may request an adjudicatory hearing within ten days of the issuance of the Superseding Order of Conditions.

Any person may request a conservation commission to issue a written determination of whether any land is subject to the jurisdiction of the Act.

After the work has been completed, the applicant can request the issuing agency to inspect the work and issue a certificate of compliance if the work was completed according to the Order of Conditions.

Life: Any Order of Conditions is valid for one year from the date of issuance. An Order may be extended for additional one year periods by the issuing agency.

Fee: \$25.00 payable to the conservation commission.

Associated Permits

And

Procedures: Work in the tidewater, great ponds and most rivers will generally need a Chapter 91 license. (see Page 17) A permit from the U.S. Corps of Engineers under 33 U.S. Code, Section 404 may also be necessary. Contact the Corps of Engineers, 424 Trapelo Road, Waltham, MA 02154. Some areas are subject to a restriction imposed by the Department of Environmental Management under MGL, Chapter 130, Section 105 (Coastal Areas) or Chapter 131, Section 90A (Inland Areas). Any such restriction must be recorded on the deed of the land.

Contact: Conservation Commission initially and Regional Engineer on appeal.

Department: Department of Environmental Quality Engineering

Division: Wetlands Program

Project Type: Wetlands Program, Request for Superseding Order

Statute Number: MGL Chapter 131, Section 40; CMR 310:10.05-10.08.

Purpose: This procedure is to protect the interest of the Wetland Protection Act, in cases where Conservation Commissions or local authorities have failed to do so and to protect the rights of individuals in cases in which Conservation Commissions or local authorities have imposed conditions that are not necessary for the protection of the interests of the Act. The interests of the Act are public or private water supply, ground water supply, flood control, storm damage prevention, prevention of pollution, protection of land containing shellfish, or protection of fisheris.

Applicability: The statute regulates any work done in or alteration of any bank, wetland, beach, dune, flat, marsh, meadow or swamp bordering on the ocean or any estuary, creek, river, stream, pond, or lake or any land under said waters or any land subject to tidal action or flooding.

Massachusetts Environmental Policy Act: A filing under Massachusetts Environmental Policy Act is required for projects which will alter more than one acre of wetlands.

Prerequisites: All obtainable local permits, variances and approvals must have been obtained prior to filing the Notice of Intent. The Conservation Commission or local authority must have failed to make a determination, hold a hearing, or failed to issue an Order of Conditions or have issued an Order of Conditions before a request can be made to the Department. (The applicant may also be required to obtain a permit from the United States Army Corps of Engineers, under 33 USC Section 403, contact the Division of Water Pollution Control to determine need for a Division of Water Pollution Control regulatory action.)

Life: Work must be completed within one year of the issuance of the Authorization. The Superseding Order may be extended for additional periods by the issuing agency.

Contact: Wetlands Program
100 Cambridge Street, 20th Floor
Boston, MA 02202
(617) 727-9706

Department: Department of Environmental Quality Engineering

Division: Wetlands Program

Project Type: Wetlands Program, Extension of a Superseding Order

Statute Number: MGL Chapter 131, Section 40; CMR 310:10.05-10.08.

Purpose: This permit extends the life of an Order of Conditions or Superseding Order of Conditions, when the applicant has not completed work within the required one year time period.

Applicability: This permit applies to all situations in which work has not been completed within one year of the issuance of an Order of Conditions, or Superseding Orders.

Massachusetts Environmental Policy Act: No Massachusetts Environmental Policy Act filing is required, beyond the Environmental Assessment Form submitted for the Superseding Order.

Prerequisites: Compliance with the original Order of Conditions.

Life: The extension is for an additional year. Further extensions may be requested.

Contact: Wetlands Program
100 Cambridge Street, 20th Floor
Boston, MA 02202
(617) 727-9706

Department: Department of Environmental Quality Engineering

Division: Wetlands Program

Project Type: Wetlands Program, Certificate of Compliance with a Superseding Order.

Statute Number: MGL Chapter 131, Section 40; CMR 310:07

Purpose: The Department certifies that work has been completed in accordance with its Superseding Order of Conditions. (Conservation Commissions certify compliance with their Orders.) The Certificate provides proof of compliance to be recorded in the Registry of Deeds.

Applicability: A Certificate may be issued on any project which has been completed in accordance with the Superseding Order of Conditions. (The Certificate is also available from the Conservation Commission for a project which has been completed in compliance with local Conservation Commissions' Order of Conditions if no appeal was made to the Department.)

Procedure:

1. Applicant applies, by letter, to the Department.
2. A site inspection is made within three weeks.
3. A Certificate of Compliance is issued within 10 days following the site inspection.

Massachusetts Environmental Policy Act: No Massachusetts Environmental Policy Act filing is required.

Prerequisites: Completion of the project in conformity with the Superseding Order is necessary for a Certificate of Compliance.

Life: The life is unlimited.

Contact:

Wetlands Program
100 Cambridge Street, 20th Floor
Boston, MA 02202
(617) 727-9706
James Coleman

METROPOLITAN DISTRICT COMMISSION

METROPOLITAN DISTRICT COMMISSION

General Information: The Metropolitan District Commission administers ten permits regarding construction. Anyone planning construction on/or near M.D.C. property is responsible for notifying and obtaining permission or approval from the M.D.C. Such activities include curb cuts, sewer connections, water connections, construction over subsurface easements and special uses.

MEPA Applicability: Chapter 30, Section 62-62H, CMR 301:10.32 (5)

While MDC permits are generally excluded, projects exceeding certain thresholds will be subject to MEPA.

Wetlands Protection Act Applicability: Chapter 131, Section 40

Approval of local city or town conservation commissions may be required on certain M.D.C. permits.

Army Corps of Engineers
Division of Waterways
Coast Guard

Additional approval may be necessary for projects that come under the jurisdiction of the above agencies.

Detail Plans drawn to scale are required on most M.D.C. permits.

Certificate of Insurance and Cash Bonds may be required on some M.D.C. permits.

Fees are charged on some permits.

METROPOLITAN DISTRICT COMMISSION

District Membership - 1974

Parks - Water - Sewerage

Total Members - 54



Member of all three MDC districts

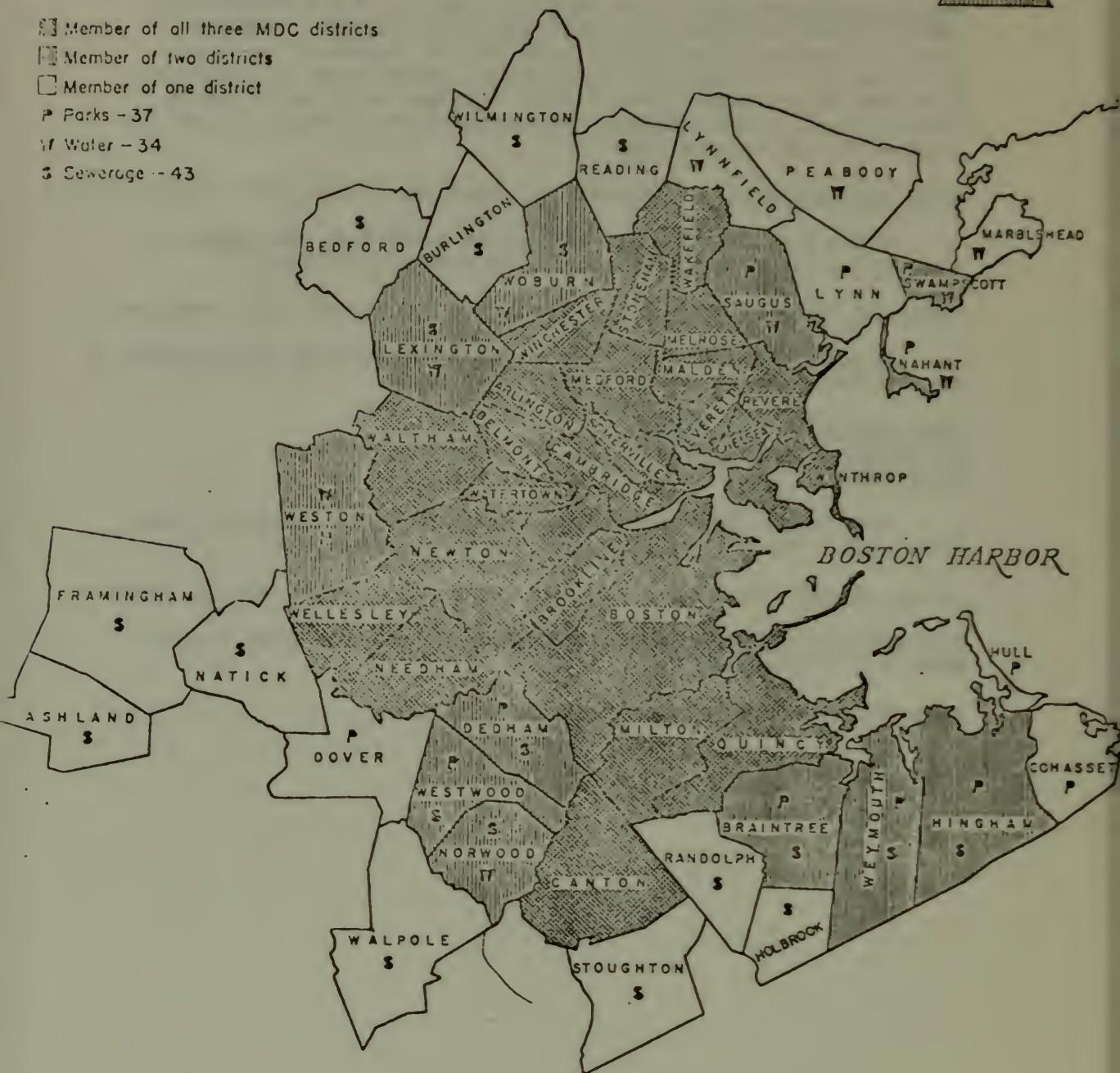
Member of two districts

Member of one district

P Parks - 37

W Water - 34

S Sewerage - 43



Department: Metropolitan District Commission

Division: Permits Section

Project Type: Construction within an M.D.C. Easement or near M.D.C. Mains

Statute Number: Chapter 92, Section 95

Purpose: Any building or construction within an M.D.C. Water or Sewer Easement, or any crossing or excavation near an M.D.C. Water or Sewer Main requires special permission.

Prerequisites: A written request along with plans showing the pertinent information needed to protect M.D.C. Water or Sewer Mains.

Contact: Robert E. Powers
Metropolitan District Commission
20 Somerset Street
Boston, MA 02108
727-2033

Department: Metropolitan District Commission
Division: Sewerage Division
Project Type: Industrial User Discharge Permit
Statute Number: MGL, Chapter 92, as amended; Section 12 of Chapter 705 of the Acts of 1975
Purpose: Every user discharging industrial wastes to a sewerage system tributary to or directly into the Metropolitan Sewerage System shall obtain a joint Permit from the Commission and the Municipality wherein the user's discharge is located.
Prerequisites: Each user files a completed "Application for A Permit to Discharge Wastewater into the Sewerage System of the Local Municipality and the Metropolitan District Commission" with the Metropolitan District Commission Sewerage Division Sanitary Section and the Municipality wherein the user's discharge is located.
Contact: Noel D. Bratta
Metropolitan District Commission
Sewerage Division
Sanitary Engineering Section
20 Somerset Street
Boston, MA 02108
727-8989

Department: Metropolitan District Commission

Division: Permits Section

Project Type: Maintenance Permits of Existing Utilities - Drains, Water, Sewer, Gas, Electric, and Telephone

Statute Number: MGL Chapter 92, Section 102

Purpose: The M.D.C. requires that cities, towns, and utility companies, obtain a permit to excavate existing facilities. The permittee is required to restore the M.D.C. facility in accordance with the M.D.C. Standard Conditions and Specifications.

Contact: Robert E. Powers
Metropolitan District Commission
Permits Section
20 Somerset Street
Boston, MA 02108
727-2033

Department: Metropolitan District Commission

Division: Sewerage

Project Type: Municipal Service Connection

Statute Number: MGL, Chapter 92, and Chapter 814 Acts of 1975

Purpose: City or Town to make a local connection to a Metropolitan Sewer.

Prerequisites: The City or Town must file an application for permission to connect with the Metropolitan District Commission along with plans showing the necessary information needed.

Contact: Donald W. Mello
Metropolitan District Commission
Sewerage Division
20 Somerset Street
Boston, MA 02108
727-5326

Department: Metropolitan District Commission
Division: Permits Section
Project Type: Municipal Services: Water
Statute Number: MGL Chapter 92, Section 1 and 32, CMR 350:11.02.
Purpose: The developer should apply to the city or town to gain access to a water line. The developer must also secure an M.D.C. permit to construct or open roadway for that portion of the line on land under M.D.C. jurisdiction.
Contact: Robert E. Powers
Metropolitan District Commission
Permits Section
20 Somerset Street
Boston, MA 02108
727-2033

Department: Metropolitan District Commission
Division: Permits Section, Truck Permits
Project Type: Overweight or Oversize Loads
Statute Number: MGL Chapter 92, Section 95
Purpose: Developers must secure permits from M.D.C. to allow passage of their trucks on M.D.C. roads. Developers moving a building over M.D.C. roads must present a summary of the route which they intend to take. To use an M.D.C. bridge in excess of posted limits the developer must contact an engineer to certify that the weight of the load can be supported by the bridge.
Contact: Robert E. Powers
Metropolitan District Commission
Permits Section
20 Somerset Street
Boston, MA 02108
727-2033

Department: Metropolitan District Commission
Division: Permits Section
Project Type: Roadway/Sidewalk; Construction and Occupation
Statute Number: MGL Chapter 92, Section 95
Purpose: A permit from the M.D.C. is required for a developer to build a sidewalk. When stage platforms are to occupy a present sidewalk, a developer must show the necessary bonds and a certification of insurance to obtain a permit.
Contact: Mr. Robert E. Powers
Metropolitan District Commission
Permits Section
20 Somerset Street
Boston, MA 02108
727-2033

Department: Metropolitan District Commission

Division: Sewerage

Project Type: Special Connection

Statute Number: MGL, Chapter 92 and Chapter 814 Acts of 1975

Purpose: Individual or developer to make a connection directly to a Metropolitan sewer.

Prerequisites: The individual or developer must first contact the City or Town official where connection is to be made. The City or Town must file an application in behalf of the individual or developer to the Metropolitan District Commission along with plans showing the necessary information needed.

Contact: Metropolitan District Commission
Sewerage Division
20 Somerset Street
Boston, MA 02108
727-5326
Donald W. Mello

Department: Metropolitan District Commission

Division: Permits Section

Project Type: Surface Water Drainage Disposal or Discharge

Statute Number: MGL Chapter 92, Section 10

Purpose: M.D.C. requires that all surface water before being discharged into any drain, catch basin, stream, river, tributary, body of water or any land under care and control of the Metropolitan District Commission must pass thru pollution control gas and oil separators.

M.D.C. requires engineering design to meet minimum standards.

Contact: Robert E. Powers
Metropolitan District Commission
Permits Section
20 Somerset Street
Boston, MA 02108
727-2033

Department: Metropolitan District Commission
Division: Permits Section
Project Type: Utility Installation Permits - Gas, Electric,
Telephone
Statute Number: MGL Chapter 92, Sections 12 and 13
Purpose: In most cases the developer must first apply to the utility company for extension of services. If the developer plans to install these services, he must apply for M.D.C. permit to construct that portion on land under jurisdiction of the M.D.C.
Detail plans are required.
Contact: Robert E. Powers
Metropolitan District Commission
Permits Section
20 Somerset Street
Boston, MA 02108
727-2033

EXECUTIVE OFFICE OF HUMAN SERVICES

Department: Department of Public Health

Project Type: Health Facility /Certificate of Need

Statute Number: MGL Chapter 111, Section 25C-D; CMR 105:100.032-.037

Purpose: Requires that no health care facility be constructed or expanded and no new health care services be instituted unless certificate of need has been obtained. Certificate shall be issued if proposed facility is necessary to provide required health care in the area to be served, can be economically accomplished and maintained, and will contribute to the orderly development of adequate and effective health care services. Certificate valid for one year from date of issue. Applications must be submitted to both State Department of Public Health and local planning agency. Since the term health care facility encompasses a multiplicity of uses, an applicant proposing a facility that will provide health care services should contact the Department of Public Health to determine if a certificate of need is required. Applicant must also obtain a license for health care facility which shall specify the kind or kinds of health care services the facility is authorized to provide.

Contact: Determination of Need Program
80 Boylston Street, Room 1230
Boston, MA 02116
(617) 727-6274
Vincent Cucchiara

Department: Department of Public Health

Project Type: Standards of Construction for Long-Term Care Facilities

Statute: CMR 151.000, MGL Chapter 111, Section 3, 72

Purpose: To provide physical plant facilities which will assure the health, comfort, safety and well being of all patients, residents and staff in Long-Term Care Facilities.

Applicability: This chapter applies to the construction of new Long-Term Care Facilities and additions to existing Long-Term Care Facilities. All alteration to facilities licensed as of September 29, 1972 shall conform to the chapter where possible.

Contact: Department of Public Health
80 Boylston Street, Room 1125
Boston, MA 02116
727-1296

EXECUTIVE OFFICE OF PUBLIC SAFETY

Department: Executive Office of Public Safety
Division: Architectural Barriers Board
Project Type: Buildings, Facilities, etc. for the Visually, and Physically Handicapped

Statute Number: CMR 521:3, MGL Chapter 22, Section 13A

Purpose: These Rules and Regulations are designed to make public buildings accessible to, functional for and safe for use by the physically handicapped persons.

It is the intent of these Rules and Regulations to provide the physically handicapped full and free use of all buildings and facilities so that they may have the education, employment, living, and recreation opportunities necessary to be a self-sufficient as possible and to assume full responsibilities as citizens.

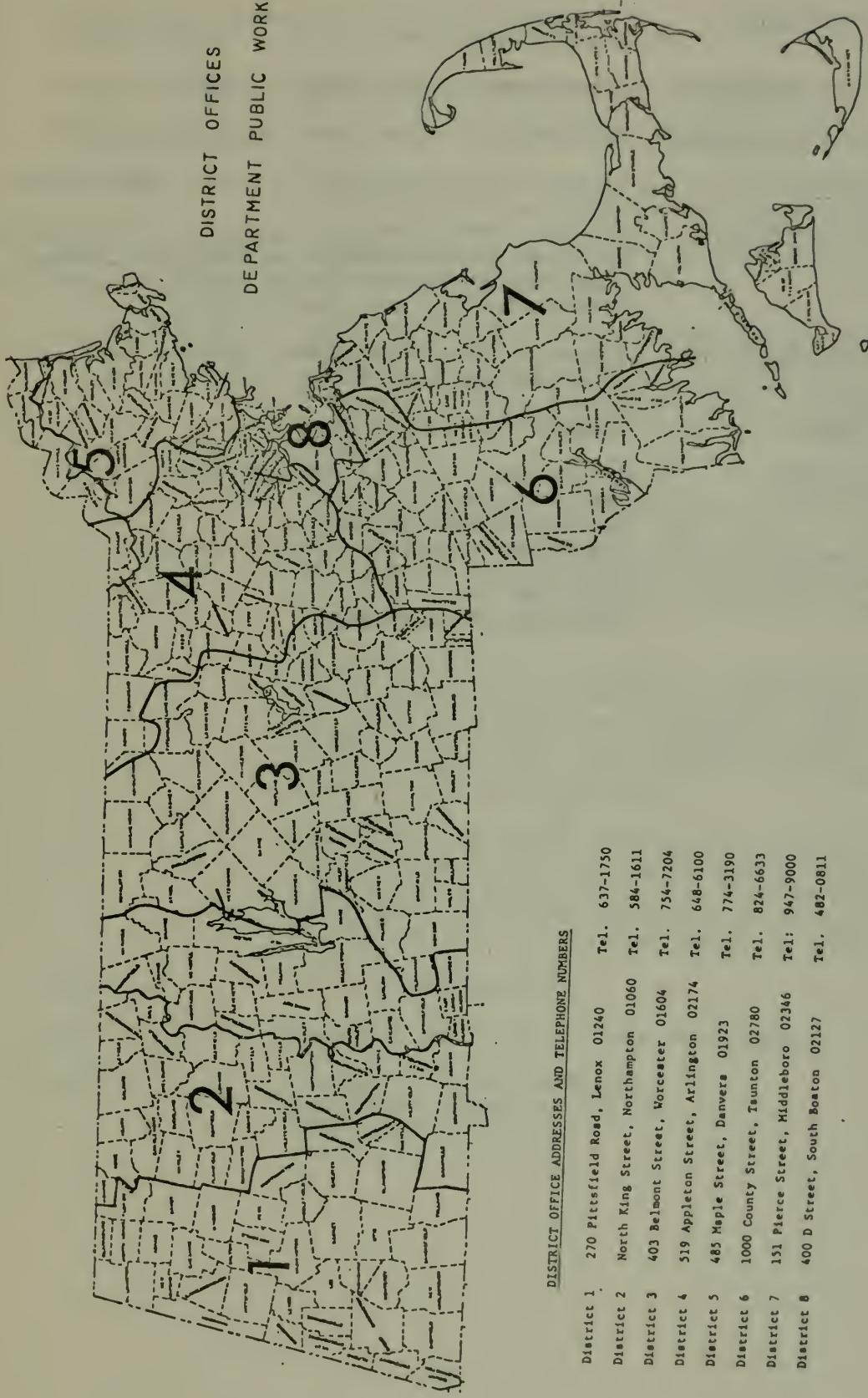
These Rules and Regulations are deemed to be a specialized code as referred to in Section 19 of Chapter 23B State Building Code the violation of which shall be the subject to the provisions of Section 17 of said Chapter as well as the additional powers granted to the Architectural Barriers Board as provided in Chapter 22, Section 13A.

There shall be no construction, reconstruction, alteration or remodeling of a public building except in conformity with these Rules and Regulations, nor shall the use of any building be changed to a use in which the building is open to and used by the public as defined in these Rules and Regulations until such building so conforms or until a copy of the plans and specifications has been approved as provided in the General Laws, showing compliance with these Rules and Regulations and provided, however, that if this Board determines that compliance with these Rules and Regulations is impracticable in the particular case, it may provide for modification of, or substitution for such Rules and Regulations.

Contact: Architectural Barriers Board
John McCormack Building
One Ashburton Place, 13th Floor
Boston, MA 02108
(617) 727-6255

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION/
DEPARTMENT OF PUBLIC WORKS

DISTRICT OFFICES
DEPARTMENT PUBLIC WORKS



DISTRICT OFFICE ADDRESSES AND TELEPHONE NUMBERS

District 1	270 Pittsfield Road, Lenox	01240	Tel. 631-1750
District 2	North King Street, Northampton	01060	Tel. 584-1611
District 3	403 Belmont Street, Worcester	01604	Tel. 734-7204
District 4	519 Appleton Street, Arlington	02174	Tel. 648-6100
District 5	485 Maple Street, Danvers	01923	Tel. 774-3190
District 6	1000 County Street, Taunton	02780	Tel. 824-6633
District 7	151 Pierce Street, Middleboro	02346	Tel. 947-9000
District 8	400 D Street, South Boston	02127	Tel. 482-0811

Department: Executive Office of Transportation and Construction

Project Type: Abandoned Railroad Right-of-Way

Statute Number: MGL Chapter 40 Section 56A, CMR-None

Purpose: To build on abandoned railroad right-of-way.

Application: Before a developer can build on an abandoned railroad right-of-way, he must get consent from the Secretary of the Executive Office of Transportation and Construction.

Prerequisites: A plan of the development showing location of buildings and other use of the land.

Life: Consent for life.

Contact: Executive Office of Transportation and Construction
John McCormack Building
One Ashburton Place - 16th Floor
Boston, MA 02108
727-7680
Secretary Barry Locke

Department: Department of Public Works

Project Type: Permit for Approaches to New Streets

Statute Number: MGL, Chapter 81, Section 21, CMR-None

Purpose: Entry to a state highway right-of-way for new streets or alteration to a new street.

Application: Developers for new subdivisions industrial parks, shopping center, etc.

Prerequisites: Applications for the entrance of new streets (including line, grade, and proposed drainage) onto the state highway layout will require evidence of acceptance by a local planning board, or other authorized city or town officials.

Such applications will include also a profile of the entire length of said street, a plan of proposed drainage with applicable easements shown thereon. The plan should show the intersection of the applicant's property lines with the Highway Layout Line.

In cases where the radius of curvature at the entrance of the street or driveway projects in front of an abutter's property, applications made by other than a municipality should include a letter from the abutter indicating approval of this condition.

The design of street entrances depends upon the roadway widths and radii needed to coincide with the layouts approved by the cities and towns. Wherever possible, a large radii should be used with a maximum of 50 feet.

MEPA: ENF may be required.

Life: Normally one year but can be extended.

Contact: District Highway Engineer
Applicable District Office
(See list on map.)

Department: Department of Public Works

Project Type: Installation on State Highway Bridges

Statute Number: MGL Chapter 81, Section 21, CMR-None

Purpose: All work on state highway bridges.

Applicability: All permit requests to do work on State Highway Bridges that will effect, or in the opinion of the Department will be considered to affect, the structural integrity of the structure, such as welding, burning, cutting, drilling holes, dead load changes, undermining, etc.

Prerequisite: All permit request must bear the stamp of a Registered Professional Engineer when submitted by the applicant for Department review.

When loads are to be added to a bridge, not provided for in the original design, calculations by a Registered Professional Engineer shall be submitted showing that the bridge can carry the proposed load without being overstressed.

Exception: An exception to above ruling would be a request by an applicant for a permit to install in or on a bridge, a utility that had been allowed for and considered in the design of the structure. For example, a request to install utilities in an existing utility bay of a bridge in a standard and normal manner and not effecting the structure may be submitted to the District for review without the stamp of a Registered Professional Engineer.

The District Highway Engineer and the Maintenance Engineer shall each have the option to make the determination as to whether the Registered Professional Engineer's stamp may or may not be needed on such permit requests.

MEPA: ENF may be required.

Time: One year but can be extended.

Contact: District Highway Engineer, District Office (see list on map)

Department: Department of Public Works

Project Type: Brush Cutting

Statute Number: MGL, Chapter 81, Section 21, CMR-None

Purpose: Brush cutting in a state highway layout.

Application: Brush cutting in state highway layout.

Prerequisite: Natural growth is only allowed for cutting where a definite hazard can be shown by the applicant.

MEPA: May be required.

Time: One year but can be extended.

Contact: District highway engineer. Various District Officer (see map for appropriate district office).

Appeals: Department of Public Works Commission

Department: Department of Public Works

Project Type: Driveways (Curb Cuts)

Statute Number: MGL, Chapter 81, Section 21, CMR-None

Purpose: Exits and entrances to state highway driveways.

Application: Subdivisions and commercial driveways.

Prerequisites: Complete details on the property in question, including the location of both property lines and all existing driveways. All buildings existing or proposed should be shown in their correct location.

The design standards are based on the type of road, design, speed, and traffic capacity. They should be located to the best advantage with regard to the highway alignment, profile, sight distance, etc.

Exit and Entrance

Limits: No more than two driveways are allowed for any one property unless there is a clear necessity for them. Complete details on drainage.

The subdivision of a parcel by the owner does not in anyway change the entrance and exit requirements for commercial establishments to be constructed; in such cases, a service road shall be constructed by the applicant to connect with the exit and entrance permitted under the existing standards.

Design Standards:

The standard, for commercial drives, on roads having a design speed or an 85 percentile speed of 30 MPH or less may have two, 45-degree drives with a minimum radius of 30 feet and a minimum square width of 20 feet. If the major use of the drive is for trucks, the width may be increased to a maximum of 24 feet. See Sketch "A".

On roads having a higher assumed design speed than 30 MPH, the radius may be increased to a 50 foot maximum where site conditions permit, with a maximum square width of 24 feet. See Sketch "B".

In the case of a short frontage, where it would be impossible to construct two, 45-degree drives and a dividing island, or where warranted by other site conditions, a single, 90-degree driveway, 24 feet wide measured at the point of tangency to the drive, and a 30-foot radii may be used. See Sketch " ".

High Volume Generators:

In the case of an entrance to a high-volume traffic generator such as a drive-in theater or shopping plaza, a channelizing island shall be constructed in the throat of a 90-degree drive. The drives on eachside of the central island shall be a minimum 24-foot width measured at the point of tangency to the drive, with a maximum radius of 50 feet. (Unusually large traffic generators may require special design.) The location of the traffic island is to be determined by control radii not less than 40 feet but preferably 50 feet as illustrated on Sketch "D". This design is to be used primarily on an undivided highway and on a divided highway in conjunction with a left turn storage lane at a median opening. On a divided highway having no median openings, the design to be used is as illustrated in Sketch "E".

Restrictive Radii:

The radii of a private drive may not extend beyond the applicant's property line.

The radii of a street approach may extend beyond the range of the street sideline.

Signs:

All signs must conform to the Massachusetts Standard Specifications. The cost and the responsibility for erections is to be borne by the applicants.

All driveways and street designs shall be reviewed by the District Traffic Design Engineer and shall be approved by the District Highway Engineer.

Curbs:

Delineation of drives, islands, and street radii are required, by either curb or a bituminous berm to match existing edging, if any, and shall be installed according to the prevailing construction standards. The edging shall extend onto the applicant's property to that point where the radii becomes tangent and the required square width is defined.

A traffic island is also specified between openings, extending from curb or shoulder line to side line, in order to prevent use of State property for commercial purposes and to define the path of entering and exiting vehicles.

Sidewalks:

At locations where sidewalks exist and curb corners (three foot minimum) are used, sidewalk curb returns shall be dissipated within the driveway opening. A six-inch berm shall be installed along the side line on both sides of drive where directed to define the drive opening.

The curb retruns on the inside of the 45-degree driveway depending on distance from edge to location line, and may vary but are usually five to ten feet radius.

Vehicle Storage:

Drive-in theaters or car washes generate large volumes of traffic entering the establishment, usually within a short period of time. It will be necessary in this case for the owner to make allowances for storage of these vehicles on his property. It is recommended that an area be provided that will accommodate at least a minimum of 100 vehicles for a theater, or 25 vehicles for a car wash.

Drive Setback:

Wherever possible, drives are to be set back 50 feet or more from a street corner, to be measured between the nearest edge of the driveway and the crossroad edge of pavement. At all intersections and particularly at sinalized intersections, it is Department policy that drives shall not be approved at street corners. A driver entering the highway from this point would not be faced with a signal indication and thus his entrance would introduce a potential hazard. Vehicles leaving the highway would also follow paths unacceptable from a traffic safety viewpoint.

If feasible and the frontage allows, acceleration and deceleration lanes may be used, with the agreement in writing from the parties involved that no other drive shall enter the State highway within the limits of these speed change lanes. Also see standard drive sketches. (Attached)

Life: One year but can be extended.

Contact: District Highway Engineer
Department of Public Works
(various district offices, see list on map)

Appeals: Department of Public Works Commission

Department: Department of Public Works

Project Type: Pole Lines and Wire Crossings

Statute Number: MGL, Chapter 81, Section 21, CMR-None

Purpose: Permit to cars State Limited Access and Access Highway.

Applications: The construction of Utility Lines.

Prerequisites:

On Access Highway. Plan showing proposed poles location at least 12 feet off the pavement of the road and five feet off the layout line. Where this is not possible, the location shall be held to the 12 feet off the pavement when possible. If it is impossible to obtain this distance, full justification for a location less than 12 feet from the pavement must be included by the petitioner. Line clearance must conform to the National Electric Safety Code Standard Clearances for Highway Crossings.

On Limited Access Highways. Poles may be erected for primary electrical distribution system crossings or interchanges; secondary electrical distribution lines and other wires shall be placed underground except that, where primary pole lines have been erected, telephone and fire alarm circuits may be placed on these poles, provided that the maximum number of wires or cables does not exceed seven. The wire crossing the major highway will be approximately 300 feet. Additional wire span along the minor highway shall be as near 300 feet as conditions will permit. In cases where a tree belt exists and the poles will not be too conspicuous, the wire span may be less. Wires must be reduced to a minimum by placing transformers on the pole on each side of the highway. Guys shall not be placed on the first poles each side of the limited access highway but on the second, except where the first poles are located within the tree belt. Where it is necessary to place wires underground, the minimum limits of the underground structure from each bridge abutment shall be approximately 100 feet at grade separations and

300 feet at interchange and these limits shall be increased as necessary to fit conditions at each interchange. Guying must be eliminated where possible. New secondary lines or cables shall be placed underground.

Time: One year can be extended.

Contact: District Highway Engineer
Department of Public Works
(See list on map for appropriate district office.)

Appeal: Department of Public Works Commission

Department: Department of Public Works

Project Type: Sidewalks

Statute Number: MGL, Chapter 81, Section 21, CMR-None

Purpose: To build sidewalks on a state highway layout.

Applications: Construction, repair, or alterations on sidewalk on state highway layout.

Prerequisites: Concurrence in writing from the local municipality that betterments will not be assessed against the abutters and that snow and ice control and maintenance, will be performed by the municipality. Also a statement that all slope easement and grade damages will be the responsibility of the city or town.

Time: One year but can be extended.

Contact: District Highway Engineer
Department of Public Works
(See list on map for appropriate district office.)

Department: Department of Public Works

Project Type: Storm Drainage

Statute Number: MGL, Chapter 81, Section 21, CMR-None

Purpose: To construct storm drains.

Application: Make entry into state highway layout for storm drainage.

Prerequisites: A complete topographical plan, and diagram of the system proposed for entry. The plan shall show the area of land to be drained with information indicating the extent of the paved and unpaved areas and be drawn with final grading contours thereon, where changes in topography are to be made. Drainage computations shall be prepared by a Registered Professional Engineer and submitted by the petitioner including invert elevations, coefficients, flow sizes, capacities and discharge velocities, which were used as design criteria. In addition, a complete plan, a diagram of the highway drainage system involved, with pipe sizes, grades, etc. shall be submitted together with an explanation of the easement rights at the outlet.

Time: One year but can be extended.

Contact: District Highway Engineer
Department of Public Works
(See list on map for appropriate district office.)

Appeals: Department of Public Works Commission

Department: Department of Public Works

Project Type: Tree Removal

Statute Number: MGL, Chapter 81, Section 21, CMR-None

Purpose: Permit to remove a tree on the state highway layout.

Application: Removal of trees that become a hazard.

Prerequisite: Natural growth including trees are only allowed to be removed when the tree or growth can be proven a hazard. Changed conditions such as a new driveway or entering a road can cause a tree or growth to become a potential hazard. A tree is defined as any woody growth with a caliper of 1 $\frac{1}{2}$ " or more. A replacement shall be made by the permittee for each tree that is removed. The permittee shall deliver to the District Highway Engineer a bonafide order, placed with a recognized established nursery before removing any trees. The order shall include on it a statement that the size and species required will be in accordance with "USA Standard for Nursery Stock" and that planting will be done in accordance with the applicable provisions of "Massachusetts Department of Public Works Standard Specifications".

Time: One Year

Contact: District Highway Engineer
Department of Public Works
(See list on map for appropriate district office.)

Department: Department of Public Works

Project Type: Transportation Permits

Statute Number: MGL, Chapter 81, Section 21, CMR-None

Purpose: To control the transportation oversize weight and dimension cargo on state highways.

Application: Permit to transport on specific state highways with proper procedure.

Prerequisite: Contact Department of Public Works before you transport oversize load of dimension cargo.

Time: Usually for length of time to reach destination.

Contact: District Highway Engineer or Maintenance Engineer in Main Office
Department of Public Works
(See list on map for appropriate district office.)
Main Office
100 Nashua Street
Boston, MA 02114
(617) 727-4800

Department: Department of Public Works

Project Type: Underground Utility Installation

Statute Number: MGL, Chapter 81, Section 21, CMR-None

Purpose: To install on state highway layout underground utilities.

Application: To cross state highway layout to repair, install, and extend utility lines.

Prerequisites: A plan of the proposed installation with stationing and elevations consistent with the State System. The location of all existing or proposed subsurface installations should be shown in relation to the edge of the paved surface. If an open cut is requested and the surface is newer than five years old, the applicant must prove that jacking or boring is not practical.

MEPA: ENF may be required.

Life: Normally one year but can be extended.

Contact: District Highway Engineer
Department of Public Works
(See list on map for appropriate District Office.)

DEPARTMENT OF PUBLIC WORKS

APPENDIX A

APPLICATION FOR PERMIT

The Commonwealth of Massachusetts
Department of Public Works
100 Nashua Street
Boston, Massachusetts 02114

19

To

District Highway Engineer

Dear Sir:

The undersigned,
of hereby makes application for permission
to

on the State Highway in the City/Town of Auto Rt. No.

Sign here

Mailing Address

Telephone No.

If this Permit is to be issued to any one other than a municipality or utility company, the application must be signed by the owner of the abutting property or said owner must indicate his approval of this application by signing below.

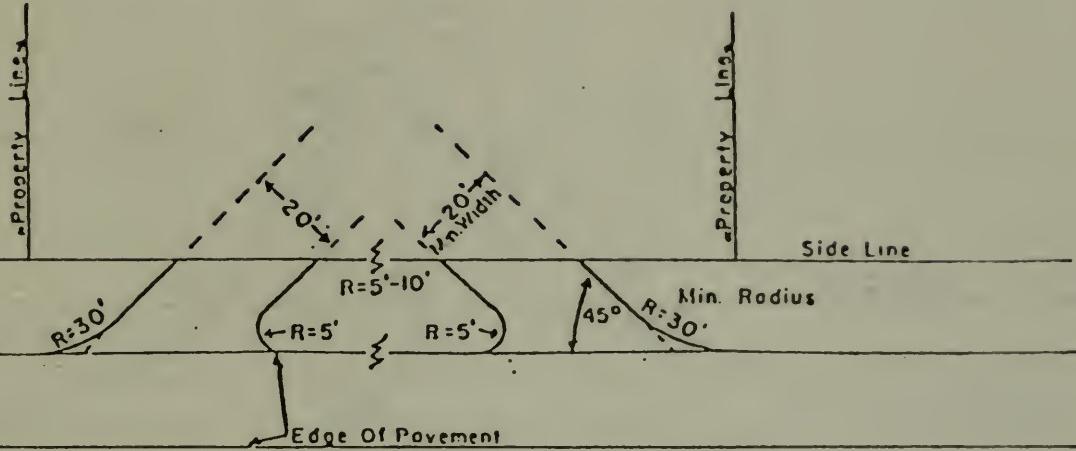
.....
This application, in duplicate, is to be forwarded to the District Highway Engineer in your area.

STANDARD DRIVES

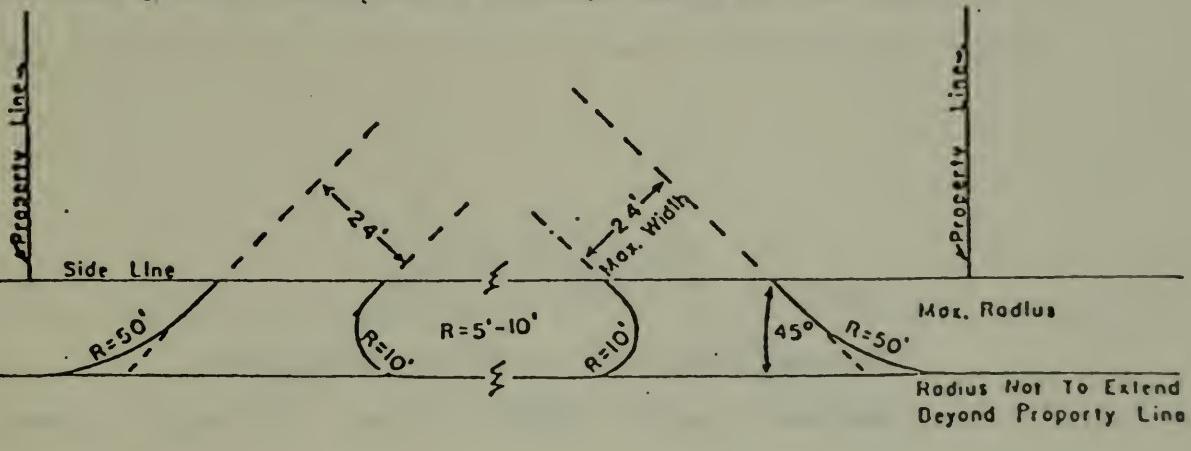
-76-

Sketch "A"

On Roads Having An 85 Percentile Speed Of 30 M.P.H. Or Less



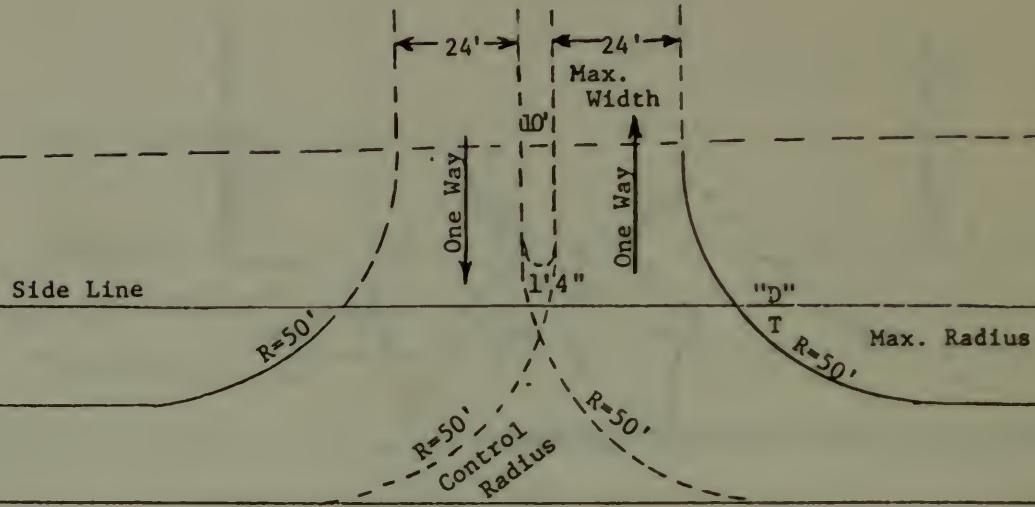
On Roads Having A Greater Assumed Design Speed Than 30 M.P.H.



Sketch "B"

STANDARD DRIVES

For Shopping Plaza and Drive-In Theatre



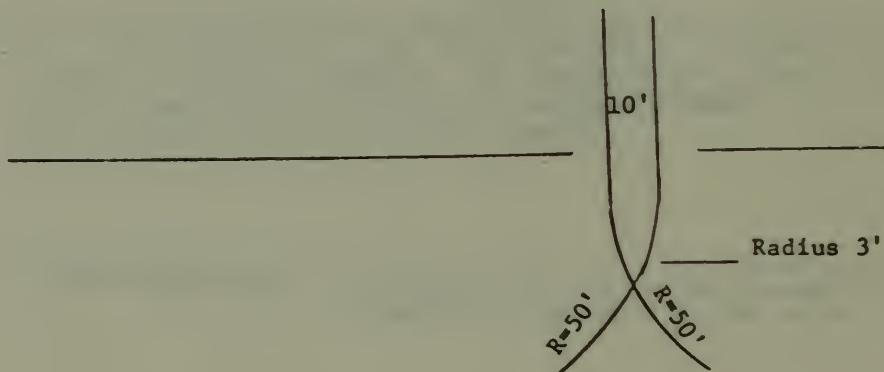
"A" Standard Keep Right Signs 24" x 30" to be Erected on Each End of Island

"B" Standard Do Not Enter Sign to be Erected at Side Line

Sketch "D"

Minimum Length of Island 20' Preferred

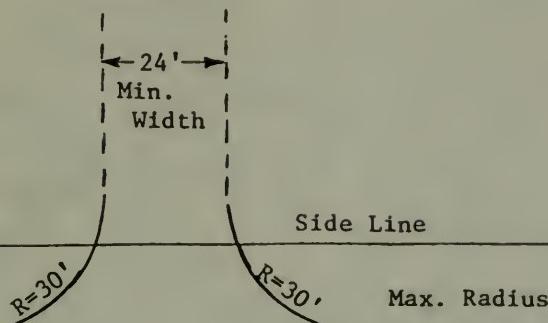
Minimum Width of Island in Feet, 10' to 20' Preferred



STANDARD DRIVES

For Short Frontage or Site Conditions

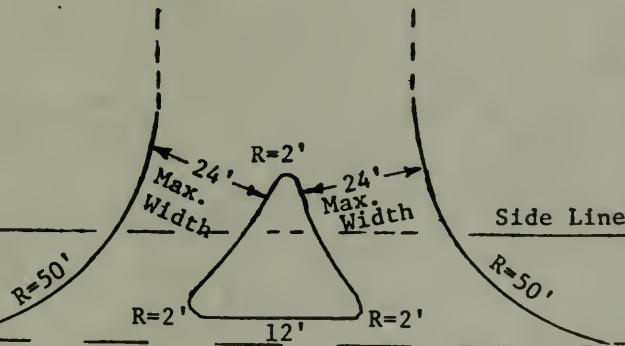
Sketch "C"



Median

Edge of Pavement

For Shopping Plaza And Drive-In Theatre on a Divided Highway



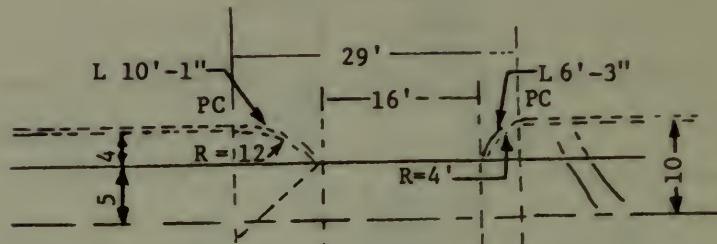
Sketch "E"

"A" Standard Keep Right Sign 24"x 30" to be Erected on End of Island

"B" Standard Do Not Enter Sign 24"x 30" to be Erected on End of Island

10' Sidewalk Layout

Sta. 3 +20 +29 +45 +49 Base Line

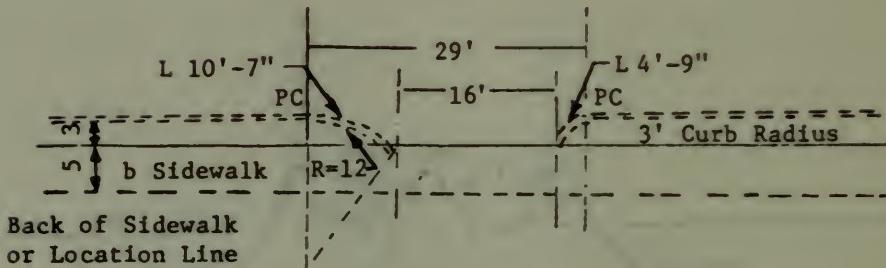


Back of Sidewalk or Location Line

Sketch "F"

8' Sidewalk Layout

Sta. 3 +10 +20 +36 +39



NOTE: When the Sidewalk is Paved to the Curb Line, use Short Curb Radius at the Highway Curb Line PC 3, shown in these designs.

NOT DRAWN TO SCALE

